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LOK SABHA SECRETARIAT
NEW DELHI

CONTENTS

[*Second Series, Volume IV—27th July to 8th August, 1957*]

	Columns
No. 11—Saturday, 27th July, 1957.	
Business of the House	5471—73
Question of Privilege	[illegible]
Panel of Chairmen	5520
Demands for Grants—	5475—5642
Ministry of Health—	5475—5566
Ministry of Community Development	5567—5642
Daily Digest	5643-44
No. 12—Monday, 29th July, 1957.	
Oral Answers to Questions—	
Starred Questions Nos. 412 to 428 and 430 to 432	5645—82
Written Answers to Questions—	
Starred Questions Nos. 409 to 411, 429, 433 to 442, 444 and 445	5682—92
Unstarred Questions Nos. 301 to 316 and 318 to 339	5692—5711
Motion for adjournment—	
Rise in Jamuna level	5711-12
Papers laid on the Table—	5712-13
Committee on Absence of Members—First Report	5714
Calling Attention to Matter of Urgent Public Importance—	
Agreement between the Bombay Dock Workers and the Government	5714
Election to Committees—	
(1) Indian Central Arecanut Committee	5714-15
(2) Indian Lac Cess Committee	5715
Appropriation (Railways) No. 2 Bill—Introduced	5716
Industrial Finance Corporation (Amendment) Bill—Introduced	5716
Mines and Minerals (Regulation and Development) Bill—Introduced	5716-17
Inter-State Corporation Bill—Introduced	5717
Demands for Grants—	5717—5854
Ministry of Community Development	5717—5803
Ministry of Food and Agriculture	5803—54
Daily Digest	5855—60
No. 13—Tuesday, 30th July, 1957.	
Members sworn	5861
Oral Answers to Questions—	
Starred Questions Nos. 447, 449 to 451, 453, 455 to 460, 463 to 466, 468 to 471, 473 and 474	5861—97
Written Answers to Questions—	
Starred Questions Nos. 446, 448, 452, 454, 461, 462, 467, 472 and 475 to 485	5897—5907
Unstarred Questions Nos. 340 to 342 and 344 to 377	5907—28
Papers laid on the Table—	5928
Calling Attention to Matter of Urgent Public Importance—	
Fall in production of certain mills and the effects thereof	5929-30
Demands for Grants—	
Ministry of Food and Agriculture	5930—6094
Daily Digest	6095—98

	COLUMNS
No. 14—Wednesday, 31st July, 1957.	
Oral Answers to Questions—	
Starred Questions Nos. 486 to 488, 507, 489 to 492, 494 to 496, 499, 501 to 504, 506, 509 and 512 to 514	6099—6136
Short Notice Question No. 1	6136—38
Written Answers to Questions—	
Starred Questions Nos. 493, 497, 498, 500, 505, 508, 510, 515 and 518 to 529	6138—49
Unstarred Questions Nos. 378 to 393, 395 to 404 and 406 to 416.	6149—69
Motion for Adjournment—	
Strike of municipal workers and sweepers in New Delhi	6169—73
Paper laid on the Table	6173
Calling Attention to Matter of Urgent Public Importance—	
Collision of an engine with a goods train	6173—75
Leave of Absence	6175-76
Election to Committees—	
(1) Coffee Board	6176
(2) Rubber Board	*6177*
Demands for Grants—	
Ministry of Irrigation and Power	6177—6302
Daily Digest	6303—06
No. 15—Thursday, 1st August, 1957.	
Member sworn	6307
Oral Answers to Questions—	
Starred Questions Nos. 530, 532, 567, 533 to 543, 546, 547, 544, 545 and 548	6307—42
Written Answers to Questions—	
Starred Questions Nos. 549 to 565, 568 and 569	6342—53
Unstarred Questions Nos. 417 to 442	6353—69
Motions for Adjournment and Calling Attention to Matter of Urgent Public Improtance—	
Sweepers' strike in Delhi and Police firing	6370—93
Demands for Grants—	
Ministry of Irrigation and Power	6393—6510
Daily Digest	6511—14
No. 16—Friday, 2nd August, 1957.	
Oral Answers to Questions—	
Starred Questions Nos. 570 to 573 and 575 to 582.	6515—46
Written Answers to Questions—	
Starred Questions Nos. 574, 583 to 606.	6546—60
Unstarred Questions Nos. 443 to 467	6560—71
Papers laid on the Table	6571-72
Business Advisory Committee—Fifth Report	6572
Calling Attention to a Matter of Urgent Public Importance—	
Explosion of a railway wagon at Asansol	6572—74
Point of Information	6574—6655
Demands for Grants—	
Ministry of Law	6574—6610
Ministry of Transport and Communications	6610—55
Committee on Private Members' Bills and Resolutions—Third Report	6655
Resolution re Discontinuance of grant of scholarships to students on community basis	6656—6702

	Columns
Resolution re Appointment of a committee to examine the Regional Disparity Average *per capita* income	6702—16
Daily Digest	6717—20
No. 17—Saturday, 3rd August, 1957	
Motions for Adjournment—	
Sweepers' strike in Delhi and Police Firing	6721—23, 6863—6928
Calling attention to matter of Urgent Public Importance—	
Sweepers strike in Delhi and Police Firing	6723-24
Business of the House	6724
Correction of Answer to Starred Question No. 636	6724—25
Statement re appointment of a Commission of Enquiry re Emoluments and Conditions of Service of Central Government Employees	6725—26
Essential Services Maintenance Bill—	
Introduced	6726—48
Demands for Grants—	
Ministry of Transport and Communications	6748—6863
Paper laid on the Table	6851
Business Advisory Committee—	
Sixth Report	6863—65
Daily Digest	6929—30
No 18—Monday, 5th August, 1957	
Oral Answers to Questions—	
Starred Questions Nos 607 to 616, 619, 620, 622 to 626, 628 and 629	6931—69
Short Notice Question No. 2	6969—74
Written Answers to Questions—	
Starred Questions Nos. 617, 618, 621, 627, 630 to 635, 635-A, 636 to 649	6974—87
Unstarred Questions Nos 468 to 472, 474 to 479, 481 to 489, 491 and 492	6987—7002
Papers laid on the Table	7002—05
Business Advisory Committee—	
Fifth Report	7005
Essential Services Maintenance Bill—	
Motion to consider	7006—7182
Daily Digest	7183—86
No 19—Tuesday, 6th August, 1957	
Oral Answers to Questions—	
Starred Questions Nos. 650 to 653, 655 to 663, 665, 666, 668 and 669	7187—7222
Short Notice Question No. 5	7222
Written Answers to Questions —	
Starred Questions Nos. 654, 664, 667, 670 to 691, 693, 694, 694-A, 695 to 697 and 531	7222—38
Unstarred Questions Nos 493 to 500 and 502 to 525	7239—57
Short Notice Questions Nos 3 and 4	7857—58
Papers laid on the Table	7858—59
Business of the House	7259—62
Essential Services Maintenance Bill—	
Clauses 2 to 8 and 1	7260—7405
Motion to pass	7405—19
Demands for Grants—	
Ministry of Transport and Communications	7419—54
Daily Digest	7455—60

	Columns
No. 20—Thursday, 8th August, 1957	
Oral Answers to Questions—	
Starred Questions Nos. 698 to 702, 729, 704, 705 and 707 to 717	7461—93
Short Notice Question No. 6	7494—96
Written Answers to Questions—	
Starred Questions Nos. 703, 706,1718 to 728 and 730 to 739	7496—7509
Unstarred Questions Nos. 526 to 528, 530 to 560 and 562 to 569	7509—30
Statement *re* impending stoppages of work in certain essential services	7530—32
Papers laid on the Table	7533
Calling Attention to Matter of Urgent Public Importance—	
Re: termination of Services of Inspectors of Life Insurance Corporation	7534—35
Demands for Grants	7535—7686
Ministry of Transport and Communications	7535—7605
Ministry of Information and Broadcasting	7605—86
Statement *re:* withdrawal of proposed strike by P. & T. employees	7636—86
Daily Digest	7687—90

N.B.—The sign + above a name of a Member on Questions, which were orally answered, indicates that the Question was actually asked on the floor of the House by that Member.

LOK SABHA

Monday, 5th August, 1957

The Lok Sabha met at Eleven of the Clock

[MR SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Indian Doctors for Malaya

†

*607. { **Shri Radha Raman.**
Shrimati Ila Palchoudhuri

Will the Prime Minister be pleased to state

(a) whether it is a fact that a mission headed by the Minister for Health of Malayan Government has arrived in India with the specific object of entering into contract with Indian doctors to serve the Malayan Government to meet the acute shortage of doctors in that country,

(b) if so, whether the Government of India had given permission for such a contract to be entered into with them, and

(c) if so, the conditions of the contract, the number of Indian doctors being recruited and their terms of service?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) A Malayan team of experts headed by the Chairman of the Malayan Public Service Commission (and not by the Minister of Health) arrived in India sometime ago with the object of selecting Indian doctors for service in Malaya and it commenced interviewing the candidates from the 28th June, 1957

(b) Yes

(c) The contract is for a period of three years, terminable by either side on giving three months' notice The number of doctors to be recruited is 100 The terms of service include a salary scale of Malayan Dollars 730-1, 234 plus Cost of Living Allowance, gratuity payable at the end of contract, First Class Passages, furnished quarters at moderate charge and free medical attendance for the officer and his family

Shri Radha Raman: May I know whether previously any Indian doctors have gone to Malaya and whether some Indian doctors are still serving in the Malayan Government? If so, what is their number

Shrimati Lakshmi Menon: I want notice

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I do not know what the hon Member means There are plenty of Indians living in Malaya either temporarily or more or less permanently, they come and go He does not expect us surely to carry out a census of Indians in Malaya

Shri Radha Raman: I want the number of doctors only

Shri Jawaharlal Nehru: Doctors also I know Indian doctors living in Malaya for the last 35 years myself, who are functioning there and who have gone from here, their homes are still there How do we get their number?

Shri Narayanankutty Menon: In view of the fact that there is acute shortage of qualified doctors in the

various State Government hospitals, will Government consider the prohibition of these doctors from going abroad for taking up this work?

Shrimati Lakshmi Menon: There is also an unhealthy concentration of doctors in certain areas and they will be sent.

Shrimati Ila Palchoudhuri: May I know if Indian doctors have gone for service in other countries also and if so, their number and the names of the countries to which they have gone?

Shrimati Lakshmi Menon: I require notice.

Shri Tangamani: May I know whether the doctors with qualifications from Indian universities are allowed to practise in Malaya at present?

Shri Jawaharlal Nehru: I suppose so; otherwise, they would not practise there. Obviously they must be allowed. I have no precise information, but it is obvious that they go there because they are allowed to function there.

Shri Tangamani: My point is, if a doctor is qualified from the Madras or Calcutta University, if he takes his M.B.B.S., degree from here, is he allowed to practise in Singapore in Malaya now?

Mr. Speaker: It is obvious; otherwise they will not go.

Shri Jawaharlal Nehru: Most of these degrees are recognised. I cannot speak about everyone, but most of our degrees are recognised by the Medical Council of the United Kingdom and therefore, they are recognised in Malaya too.

Shri Radha Raman: May I know whether this contract for doctors is part of any comprehensive scheme of the Indian Government to lend the services of such Indian nationals to friendly countries for such purposes or other similar purposes?

Shri Jawaharlal Nehru: Government does not directly come into this picture, because it is open to any Indian doctor or other to accept service and to go there. We do not come in the way; we do not discourage or encourage them. But we come into the picture when a Government asks us to help them in issuing advertisements, etc. We issue advertisements; we give them facilities, but they themselves come and choose the people here.

Some Hon. Members *rose*—

Mr. Speaker: Every question appears to be important as it is taken up. There are other important questions also. Next question.

Manufacture of Radio Parts

*608. **Shri Keshava:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the approved scheme for the manufacture of radio parts which are at present being imported has been implemented;

(b) if not, when it will be put into execution; and

(c) what is the agency, whether Government or private, through which this scheme is to be implemented?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). A statement is laid on the Table of the House. [*See* Appendix II, annexure No. 64.]

Shri Keshava: Is it not a fact that Bharat Electronics is not working to its full capacity, with the result that there is considerable wastage? When it is hungering to produce radio valves, may I know why the Government is not entrusting them with this task?

Shri Manubhai Shah: As I have already indicated in my answer, Bharat Electronics are already producing five components of the radio. Regarding the valves also, an agreement with a foreign firm is about to

be finalised and it is to be considered in the Board of Directors meeting in a week's time

Shri Keshava: May I know the location of the private firm for which a new licence has been granted and where it is likely to be set up?

Shri Manubhai Shah: There is not one licence, there are about six new licences to be issued, over and above the 17 organised factories existing in the country

Shri Viswanatha Reddy: May I know whether it is a fact that one Mr G D Naidu of Coimbatore has submitted a scheme to the Government in which he has said that he can manufacture a radio set for Rs 120?

Shri Manubhai Shah: I actually visited the factory of the gentleman concerned last month He makes very great claims, but I would say that his radio is as competitive as others and his claim to any cheaper radio is not tenable by facts Even then, we are giving all encouragement we can

Shri Dasappa. Is there any attempt to co-ordinate the work of the various radio manufacturers so as to prevent considerable overlapping that exists today?

Shri Manubhai Shah. There is, really speaking, no overlapping As I said, there are 17 big manufacturers and 70 small manufacturers The total production in this country is about 200,000 sets annually, of which 60 per cent of components is met indigenously and 40 per cent of components comes out of imports It is our endeavour to see that the entire national requirement comes from indigenous production Almost 90 per cent will be met from indigenous production in the next three years

Shri Dasappa. Is it a fact that many of the machines do not work to their full capacity in these factories?

Shri Manubhai Shah: The hon Member has been connected with industry and he would agree that it is not always possible to see that every machine works for all the 24 hours The maximum capacity of every industry is taken into consideration before any licence is issued to any industry I can assure the House that as far as the radio industry is concerned, the way they are professing, from 56,000 sets in 1954 to 2 lakhs sets in the current year, shows how greatly they are utilising their capacity

Shri Ranga. May I know what the Government mean by giving encouragement to the radio manufacturers? Is it by way of getting the service of experts and making them available to these people or making available the necessary credit and also the raw materials needed?

Shri Manubhai Shah. The encouragement covers several aspects, right from financing to providing technical service, conclusion of agreements with different countries and also a complete inspection and standardisation of different parts

Shops and Establishments Act

†

*669. { **Shri A. K. Gopalan.**
Shri Kodiyan:

Will the Minister of **Labour and Employment** be pleased to state

(a) whether it is a fact that compounders and nurses of private medical practitioners are not covered by the Shops and Establishments Act in Delhi;

(b) if so what other Act applies to their service conditions;

(c) whether Government have received any representations from the Delhi Pharmacists Association regarding this, and

(d) the action Government have taken thereon?

The Deputy Minister of Labour (Shri Abid Ali): (a) These compounders and nurses are covered by the Act but exempted by the Delhi Administration

(b) The provisions of the Industrial Disputes Act are applicable to them.

(c) The Delhi Administration received a representation from the Association in February 1957.

(d) The matter was discussed by the Director of Industries and Labour, Delhi with the representatives of the Association in March 1957 when it was explained that the Administration would consider withdrawing exemption in respect of any particular Sections of the Act, the non-application of which was causing hardship. The Association promised to furnish details which are awaited by the Delhi Administration.

Shri A. K. Gopalan: Since Delhi is under the Central Government, may I know whether Government is making any proposal to remove this distinction between compounders and nurses in Government hospitals and with private medical practitioners?

Shri Abid Ali: Answer to part (d) of the question explains the position.

Shri B. S. Murthy: Under what rule and for what reasons did the Delhi Administration get them exempted?

Shri Abid Ali: The Act empowers the Government to give exemption and the exemption was given on the representation of doctors, particularly those who employ one compounder only.

Shri Kodiyan: May I know the number of private medical practitioners in Delhi and the total number of compounders and nurses employed under them?

Shri Abid Ali: I should like to have notice.

Shri T. B. Vittal Rao: Under the provisions of the Act, exemption can be granted only by the Ministry of Labour of the Government of India. How can the Delhi Administration give exemption?

Shri Abid Ali: It was given by the Government of Delhi when they were functioning in July 1955.

Shri T. B. Vittal Rao: Now, that goes out; it becomes null and void.

Shri Abid Ali: No, Sir. It does not become null and void.

Shri T. B. Vittal Rao: Unless it is ratified by the Ministry of Labour.

पाकिस्तान द्वारा भारत विरोधी प्रचार

†

*६१०. श्री बाजपेयी
श्री रघुनाथ सिंह
श्री अम्तार हरवानी :

क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि भारत के प्रधान मंत्री की सीरिया यात्रा के समय दमिश्क स्थित पाकिस्तानी दूतावास ने पर्चे आदि बांट कर भारतविरोधी प्रचार किया था ताकि उनके सम्मान में आयोजित समारोह में जनता भाग न ले ;

(ख) क्या भारत सरकार ने सामान्य राजनयिक शिष्टाचार के इस उल्लंघन के विरोध में पाकिस्तान के वैदेशिक-कार्य विभाग से कोई शिकायत की है ; और

(ग) यदि हां, तो इस सम्बन्ध में क्या उत्तर प्राप्त हुआ है ?

वैदेशिक कार्य मंत्री के सभा-सचिव (श्री साहत अली खां) (क) जी हां ।

(ख) और (ग) जी नहीं ।

श्री बाजपेयी क्या सरकार यह बतायेगी कि प्रधान मंत्री की सीरिया यात्रा के समय पाकिस्तान ने जो विरोधी प्रचार किया उसके विरुद्ध सीरिया की सरकार

ने भी पाकिस्तान को कोई विरोध पत्र भेजा है ?

श्री सादत अली खां : पत्र का तो हमें इस समय पता नहीं है मगर एक्सटर्नल एफेअर्स मिनिस्ट्री के सेक्रेटरी जनरल ने पाकिस्तान के मिनिस्टर को बुलाया था और उनसे इस मामले में बात की थी । उनको यह बात नागवार गुजरी थी ।

श्री वाजपेयी : क्या मैं जान सकता हूं कि पाकिस्तान इस प्रकार विरोधी प्रचार करता जाये तो उसका प्रतिकार करने के लिये हमारी सरकार क्या कदम उठाने पर विचार कर रही है ?

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू) : हमारी कोशिश यही होती है कि जो सही बाकयात हों वे सामने रखे जायें । हम यह पसन्द नहीं करते कि उसी ढंग की बातें करें जैसे कि अक्सर पाकिस्तान की तरफ से की जाती हैं ।

Shrimati Renu Chakravartty: Normally, when there is such a violation of diplomatic etiquette, the country to which that representative is accredited, calls for an explanation. Could we know if the Syrian Government had asked for any explanation, and if so, what was the answer?

Shri Jawaharlal Nehru: My colleague had just replied to that. He said, we do not know if any written communication was sent or not. But, we are informed that the Syrian Foreign Office sent for the Pakistan Minister in Damascus and expressed their displeasure on this kind of activity.

Export of Indian Films to Russia

†

*611. { **Shri Vasudevan Nair:** **Shri Punnoose:**

Will the Minister of **Commerce and Industry** be pleased to state:

(a) the conditions regarding the export of Indian Films to the Soviet Union;

(b) whether the Government of India have received applications for licence to export South Indian Films to the Soviet Union;

(c) if so, whether the licences have been granted; and

(d) if not, the reasons for the delay in granting the licences?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) There are no restrictions on the export of films from India to foreign countries.

(b) to (d) Do not arise.

Shri Punnoose: Does it mean that there is no need for any licence or permit to export films?

Shri Satish Chandra: Exchange of films is encouraged to earn foreign exchange No permission is required.

Shri Vasudevan Nair: Is it true that an application for licence was sent from Kerala and it was rejected?

Shri Satish Chandra: There is no licence If the Soviet Union wants to import any films, from India, it can do so

Shri Kasliwal: May I know if the hon Minister is in a position to tell us how many Indian films were exported to the Soviet Union in 1956 and 1957?

Shri Satish Chandra: Eleven pictures were exported recently—I do not know the exact dates—to the Soviet Union

Shri Ranga: Are we giving any encouragement or assistance to get the pictures dubbed in Russian and other European languages so that they can be sent there and popularised and foreign exchange gained, in view of the fact that the picture *Awara* and another picture dealing with *zamin* became extremely popular and ran for three or four weeks in each place?

The Minister of Information and Broadcasting (Dr. Keskar): This question has been discussed by some of

the producers whose films attained a certain degree of popularity in foreign countries. I think it will be taken up. It cannot be done in a general way. It will depend on the pictures. Suppose a picture is dubbed and afterwards, it does not prove popular, all that money is wasted. Where a producer or a particular actor is popular and the picture can probably attain a certain degree of popularity in that country, this can be taken up. This has already been discussed by certain producers.

Shri Gajendra Prasad Sinha: May I know whether the export of Indian films is on the decrease or in the increase to foreign countries?

Shri Satish Chandra: It is very much on the increase.

Shri Heda: May I know what arrangements or facilities are given to the exporters of Indian films to get foreign exchange? How do they realise their money back?

Shri Satish Chandra: By the usual banking arrangements. Sometimes, they get in return pictures from those countries for exhibition in India. Sometimes, they get payment in foreign exchange. The money is deposited there and they can receive payment in rupees in India.

आप्टिकल ग्लास संयंत्र

*६१२. **श्री भक्त दर्शन** क्या वाणिज्य तथा उद्योग मंत्री १४ मई, १९५७ के तारांकित प्रश्न संख्या २० के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि भारत में आप्टिकल ग्लास संयंत्र की स्थापना की दिशा में इस बीच क्या प्रगति हुई है ?

The Minister of Industry (Shri Manubhai Shah): The recommendation made by the team of Soviet Experts for the establishment of an optical glass plant has been accepted in principle by Government. It is proposed to execute this project from the long-term credit offered by the Soviet Union. A detailed project report from Russian Experts is awaited after which the actual work will begin.

श्री भक्त दर्शन : क्या मैं जान सकता हूं कि इस संयंत्र को स्थापित करने के बारे में भारत के किन किन स्थानों पर विचार किया गया और अन्त में किस के सम्बन्ध में निर्णय किया गया ?

श्री मनुभाई शाह जो टीम आयी थी वह सात जगह गयी थी, देहरादून, आगरा, कलकत्ता, त्रिवदम, बनारस, इलाहाबाद और लखनऊ, और उसके बाद उन्होंने रिपोर्ट की है ।

श्री भक्त दर्शन क्या यह सत्य है कि इस संयंत्र को स्थापित करने के बारे में सोवियत सरकार ने कुछ सहायता देने का आश्वासन दिया है ? वह सहायता किस प्रकार की होगी, मशीनरी के रूप में या किसी और प्रकार की ?

श्री मनुभाई शाह जैसा कि हाउस को पता है सोवियत सरकार ने ५०० मिलियन रूबल की इमदाद करने का वायदा किया है । उसमें से ३ करोड़ रुपया इसके लिये खर्च होगा ।

Shrimati Tarkeshwari Sinha: May I know what is the estimated cost of the project and how much of that cost will be met by the Soviet credit?

Shri Manubhai Shah: The credit will cover the entire foreign exchange component.

Shrimati Tarkeshwari Sinha: What is the estimated cost?

Shri Manubhai Shah: About Rs. 2 crores of foreign exchange for the whole plant estimated to cost Rs. 3 to 3·5 crores.

Shri A. C. Guha: May I know what the production capacity of this factory is likely to be and what is the internal requirement?

Shri Manubhai Shah: About 50 tons of optical glass per year and 250 tons of opthalmic glass which will more or less cover the local requirements and leave a little for export

श्री भक्त दर्शन क्या मैं जान सकता हूं कि इस कारखाने में उत्पादन कब तक प्रारम्भ हो जायेगा ?

श्री मनुभाई शाह उसके सारे मैकिनरी प्रिपरेशन्स तो खत्म हो गये हैं। हमारा अन्दाजा है कि अगले साल से सारा काम शुरू हो जायेगा।

States' Plans

*613. **Shrimati Tarkeshwari Sinha:** Will the Minister of Planning be pleased to state

(a) whether it is a fact that considerable reductions have been made in the States' plans to be financed from the revenue account of the State Governments,

(b) the reasons therefor, and

(c) whether it is a fact that the projects now excluded from revenue accounts would be transferred to capital accounts?

The Parliamentary Secretary to the Minister of Labour and Employment and Planning (Shri L. N. Mishra): (a) to (c) In preparing the plans of States under the Second Five Year Plan, revenue and capital expenditure were broadly classified on the lines indicated in October, 1955 by the Ministry of Finance in consultation with the Comptroller and Auditor General There has been no change in approach subsequently, but some details have been recently worked out with the help of State Governments

Shrimati Tarkeshwari Sinha: May I know whether it is a fact that State Governments have been asked to transfer a few heads of their expenditure from revenue to capital account and before this direction was given to the State Governments, whether the permission of the Comptroller and Auditor-General was obtained?

Shri L. N. Mishra: Yes, Sir In October 1955, the Ministry of Finance, finding that the State Governments barring a few were running substantial deficits in their revenue budget, suggested transfer of a few items from the revenue to the capital with the consent of the Comptroller and Auditor General

Shrimati Tarkeshwari Sinha: May I know the names of the States who have scaled down their revenue expenditure on the Plan and the total amount involved? May I also know, if they have scaled down the expenditure in the revenue budget, how they are going to finance the total outlay of the Plan if no pruning is made?

Shri L. N. Mishra: I cannot give the names of the particular States It is a fact that after that letter was issued from the Ministry of Finance, a number of States have tried to follow the instructions and have tried to fall in conformity in the preparation of the budgets The budgets of 1956 and 1957 bear evidence of this

Shrimati Tarkeshwari Sinha. May I know whether all the State Governments except a few have shown a deficit in their budgets? That means they have reduced the revenue budget How then does the hon Parliamentary Secretary say that in 1956-57 budgets they have given indication of the fact that they are showing this expenditure on the Plan on revenue account?

Shri L. N. Mishra: All that I meant was uniformity in the budget and not transfer of expenditure to revenue heads

The Minister of Labour and Employment and Planning (Shri Nanda): It has made no difference to the size of the Plan in any State It is only a question of nomenclature, a proper definition of what should go to capital

and should remain in revenue, and it was communicated to the States Therefore, some redistribution has been made That is all that has happened

Shri C. R. Basappa: May I know whether, although the Central Government has reduced the Central aid from Rs 20 to Rs 14 crores to Mysore for 1957-58, still they have informed the State Government that this aid will be provided only if they take some measures to increase their revenues?

Shri L. N. Mishra: For a particular State, I would require notice

Shrimati Tarkeshwari Sinha: May I know whether the Finance Commission which toured the States recently has given some suggestions in regard to the importance of bringing about uniformity in the capital and revenue accounts, and if so, what is the nature of the suggestions?

The Deputy Minister of Planning (Shri S. N. Mishra): Their report has yet to be submitted and their suggestions in this regard will be made available to us only after the submission of the report

Small Scale Industries

*614. **Shri Bahadur Singh:** Will the Minister of Commerce and Industry be pleased to state

(a) whether certain persons were selected under the Colombo Plan for training and study tour of small scale industries in some industrialised countries like Japan during the years 1956 and 1957,

(b) whether those persons have been sent abroad,

(c) if not, the reasons therefor,

(d) whether applications were invited for training in hosiery machinery and cycle industry etc from the persons who were willing to make half payment of the total expenditure abroad during such training; and

(e) the number of applications received and the action taken on the proposal?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir. Four persons in 1956 and two this year.

(b) Not yet, Sir

(c) The cases are still under the consideration of the foreign Government concerned.

(d) No, Sir

(e) Does not arise

Shri Shree Narayan Das: May I know the countries to which these persons are being sent?

Shri Mannbhai Shah: These are going to Japan

Shri Gajendra Prasad Sinha: May I know whether they have submitted their report?

Shri Manubhai Shah. They have not yet gone, and the Japanese Government have to take a decision on that

Shri Mahanty. What is the method of selection?

Shri Manubhai Shah. We addressed letters to the various State Governments, various federations and associations of industries and the Development Commissioners' organisations They interviewed certain candidates and they sent their recommendations Most of the selections are from the State Government nominees

Shri Mahanty: I would like to know what particular method was employed by the Government to screen the suggestions received from the various quarters

Shri Manubhai Shah: As I said, the authority was delegated to the State Governments and the different associations, and later on their confidential reports sent to the Ministry, it was finally decided.

Shrimati Ila Palchoudhury: May I know the type of small-scale industries that is being envisaged under this plan to send people to learn?

Shri Manubhai Shah: Bamboo ware from Japan, some tool cycle industries and their components, some hosiery and the like.

Central Silk Board

*615. **Shri Shankariah:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any amount is allotted by the Central Silk Board for the issue of loans and grants to the Mulberry growers for the purpose of lift irrigation;

(b) how many persons have been given loan in the Mysore State, and

(c) whether any loan is granted for the purpose of sinking wells for the growth of Mulberry?

The Minister of Commerce (Shri Kanungo): (a) No funds, either in the form of loans or grants, have so far been allotted for specific purposes of lift irrigation, but such assistance has been granted for schemes received from the State Governments calculated to provide irrigation facilities for Mulberry growers

(b) Forty three for sinking wells only.

(c) Yes, Sir.

Shri Shankariah: May I know whether representations have been received since quite long ago and the Central Silk Board is putting of this question, and whether the State Governments have also been pressing for this?

Shri Kanungo: No, Sir. The proposals of the State Governments after proper vetting have been granted. A proposal of the Mysore Government is pending because details were not fully available.

Centre's Allocation for Kerala

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*616. **Shri V. P. Nayar:**
Shri Vasudevan Nair:

Will the Minister of **Planning** be pleased to state:

(a) whether the Government of Kerala have requested for increase in the Central allocation made to the State from the Central Funds or under the Second Five Year Plan;

(b) if so, by how much;

(c) what are the specific reasons put forward by the State Government; and

(d) whether any discussion has been taken on the State Government's request?

The Parliamentary Secretary to the Minister of Labour and Employment and Planning (Shri L. N. Mishra): (a) and (b). Yes, Sir. The Government of Kerala have requested for an additional provision of Rs. 38 crores under Agriculture, Industry and Power in the State Plan and have also suggested certain other schemes for implementation as part of the Central Government's Plan

(c) Reasons advanced refer to pressure of population on land, availability of essential raw materials in the State for industries like coir, automobile tyres, etc, and the problem of educated unemployed.

(d) The State Government have been requested to send specific schemes for consideration on merits.

Shri V. P. Nayar: I find from an answer to Starred Question No. 5 on 15th July, 1957, that the Central Government's investment in various States calculated on a *per capita* basis is only Rs 1 02 or Kerala State while it goes up to Rs. 49 for Madhya Pradesh, Rs. 19 to Madras, Rs. 97 to Orissa and so on. May I know whether in view of this very small

investment by the Centre in heavy industries in our State, and in view of the recommendations of the State Government about raw materials, Government would revise the allocations?

Shri L. N. Mishra: May I say that on the basis of the census of 1951, the population of Kerala is 3 8 per cent. of India's population, and it has been allotted 3 9 per cent of the outlay of all the States' plans? Therefore, no unfairness has been shown to that State

Shri V. P. Nayar: That is not the point My point is that in answer to a question, it has been stated by the same Ministry that the *per capita* investment of the Centre in heavy industries in Kerala State happens to be the lowest It is only 1 02 rupees per head for both the Plans together, that is from 1950 to 1960 I want to know whether in view of this particular aspect, the Central Government will invest more money in Kerala State for heavy industry from the Central funds?

The Deputy Minister of Planning (Shri S. N. Mishra): So far as location of heavy industries is concerned, the hon Member would concede that it requires some expert examination and consideration And so it is the policy of the Government to refer these matters to the expert committees which consider all possible locations and then these are decided

The Minister of Industry (Shri Manubhai Shah): May I elaborate a little bit what my hon colleague has said? The figures received by the hon Member from the State Government do not *prima facie* seem to be quite correct

Shri V. P. Nayar: This is your own figure, not the State Government's

Shri Manubhai Shah: I am just elaborating what my hon colleague said There are several aspects of heavy industries. Perhaps they might not have added up the total investment that has taken place. For instance, to the fertiliser factory Fact Alwaye the Government of India has recently given on loan of Rs 3 to 3-1|2 crores. Similarly, in the D D T factory at Alwaye, another crore is being invested I would only add this, that the hon Member's information as obtained from the State Government may not be quite precise

Shri V. P. Nayar: It is not the figure of the State Government It was given in answer to a question in the Lok Sabha on the 15th July, and the statement

Mr. Speaker: There is no good labouring this point According to the hon Member there is a contradiction between the statement made at an earlier stage, where it is said the *per capita* expenditure is Rs 1 02, whereas it is now said it is Rs 3 9

Shri V. P. Nayar It is only in this session, that is on 15th July, that the hon Deputy Minister of Planning Shri S N Mishra gave me an answer and said that the *per capita* investment by the Central Government in heavy industry for the period 1950-1960 is only Rs 1 02, and now he says I have got the information from the State Government

Mr. Speaker: Unnecessarily he is labouring the point

The Minister of Labour and Employment and Planning (Shri Nanda): This refers to the ratio of the expenditure under the Plan of this particular State to the total size of the Plan in the country, as compared with population, but expenditure on heavy industry is a special feature of the Plan A certain figure has been given in the past Now, it has been stated that some more expenditure has been incurred in that direction We will take that into account and see—I cannot say off-hand—whether the ratio has altered in any manner We shall give the information.

Shri Jinachandran: May I know whether the State Government has submitted any scheme or proposal which requires more money than allotted.

Shri L. N. Mishra: The Chief Minister of Kerala came in connection with the National Development Council meeting. He had a meeting with the Planning Commission and he had submitted certain schemes for additional grants. He has been asked by the Planning Commission to send detailed schemes, and they have not yet been received.

Shri I. Eacharan: What was the total estimate of the original schemes submitted by the then Government, and how much has been cut down by the Planning Commission? What is the need for reconsideration now?

Shri S. N. Mishra: Probably, the intention of the hon. Member is to have a comparative figure, so far as the reorganised State is concerned. Before the reorganisation of the States, the figure came up to Rs. 71·95 crores. So far as the reorganised State is concerned, it comes up to Rs. 87 crores. So far as the recent demand made by the Chief Minister of Kerala is concerned, it comes up to Rs. 125 crores, that is, about Rs. 38 crores in addition.

Shri Vasudevan Nair: May I know whether in view of the fact that the Malabar district which has been added on to the original Travancore-Cochin State is comparatively more backward, the State Government have asked for a special allocation for the development of the Malabar district and if so, the attitude of the Planning Commission towards this question?

Shri L. N. Mishra: For a particular district, it will be difficult for me to say anything.

Shri Ranga: May I know the basis on which Government wish to make these allocations as between different States and different areas, whether it is on the basis of population or on the basis of area, and so on? Is it on the basis of the total expenditure from the Centre that it is being calculated, or is it on the basis of so much for small industries, so much for heavy industries, so much for agriculture, and so on? Do the Planning Commission wish to distribute these sums in accordance with the ratio that they wish to have for the whole of India?

Shri Nanda: It is not possible to have a proportion running through all types of expenditure. The conditions and the requirements of different States in respect of different heads of expenditure vary, and, therefore, there cannot be any uniform ratio for all the States in respect of everything.

Occupational Research and Analysis

*619. **Pandit D. N. Tiwary:** Will the Minister of **Labour and Employment** be pleased to state:

(a) whether it is a fact that occupational research and analysis has been done in respect of several occupational Groups;

(b) if so, the name and nature of occupational Groups in which research has been done; and

(c) the result thereof?

The Parliamentary Secretary to the Minister of Labour and Employment and Planning (Shri L. N. Mishra): (a) Yes.

(b) A statement is laid on the Table of the House. [*See* Appendix II, annexure No. 65].

(c) So far, analysis of about 800 occupations has been completed. Of these, 400 occupations have been defined and described, giving standard and alternative occupational titles; they have also been classified and assigned code numbers broad based on the classification structure drawn up by the I.L.O.

Pandit D. N. Tiwary: May I know the object of this study?

Shri L. N. Mishra: This study has been carried out in pursuance of the recommendations of the Shiva Rao

Committee, with a view to promote the standardisation of occupational nomenclature and standardisation and classification

Pandit D. N. Tiwary: May I know whether any special organisation has been set up for it, and if so, the expenditure involved on the same?

Shri L. N. Mishra: No special machinery has been set up The employment exchange is attending to it The provision for it under the Second Five Year Plan is Rs 6 3 lakhs

Pandit D. N. Tiwary: May I know whether any programme has been fixed for this special study and analysis, and if so, what it is?

Shri L. N. Mishra: The programme envisages the analysis of all the occupations that exist in the country, and the compilation of various types of occupational information and material that would be of use at the employment exchanges It is expected that about 3,000 occupations may have to be defined in all

Shrimati Tarkeshwari Sinha: May I know whether it is a fact especially in the small-scale units and industries, that there is always a tendency for semi-permanent employment, that is to say, the labourer comes there, sticks there, for some time learns the job and then leaves it? May I know whether any research or study has been made to find out the reasons for this tendency for semi-permanent employment, and whether any remedies are being found out to see that these persons may stick to these units so that there may be full production?

The Deputy Minister of Labour (Shri Abid Ali): It would not be possible to go into details of this question, so far as this particular study is concerned

Shrimati Tarkeshwari Sinha: I wanted to know whether any studies are being conducted or not The Minister can say that. Are any studies being made in regard to the semi-permanent nature of the hands employed in the small-scale units? That is a very important part of the whole question

The Minister of Labour and Employment and Planning (Shri Nanda): That is a different question altogether The question, on the one side, is one of turnover, and on the other, of a certain proportion being described as temporary workers It depends upon the conditions in different industries.

Mr. Speaker: The hon Member's question is why people leave after having undergone some training and having got into the work for some time

Shrimati Tarkeshwari Sinha: They work for some time and then they leave That means that the small-scale industries suffer Most of the small-scale industries are suffering on this account Have Government conducted any study or research to find out the reasons?

Mr. Speaker As to why they go out

Shri Nanda: If they leave the work, it means that they may have got some more profitable occupation

Shri D. C. Sharma May I know whether the results of these studies are made available to the public, and if so, in what way?

Shri L. N. Mishra. I hope they will be made available, they will be published

Film Documentaries

*620. **Shri S. C. Samanta:** Will the Minister of Information and Broadcasting be pleased to state the total cost of production of film documentaries in conjunction with the State Governments since 1953-54 and how much has been shared by the State Governments?

The Minister of Information and Broadcasting (Dr. Keskar): A statement is laid on the Table of the Sabha. [*See* Appendix II, annexure No. 66].

Shri S. C. Samanta: May I know the percentage that has been fixed for the sharing of the expenditure by the State and the Centre?

Dr. Keskar: There is no rigid percentage fixed, but, generally speaking, it is 50 : 50, that is to say, half to be borne by the State Government and half by the Central Government.

Shri S. C. Samanta: May I know why the State Governments are asked to share 50 per cent of the expenditure, when the films are of all-India importance?

Dr. Keskar: Most of the films that we take up on behalf of the State Government are considered by the State to be very useful for them, but they might not be, if we consider it on an all-India basis, of so much utility and importance to the Centre. But we would like to help them to produce those films. That is the reason for this 50 : 50 sharing of expenditure.

Shri Kasliwal: May I know whether any documentary has been produced at the request of any particular State Government?

Dr. Keskar: We have produced a number of documentaries at the request of State Governments, not only for the States but for the Central Government also where we felt that the subject suggested was useful for us also.

Shri Mahanty: May I know whether these documentaries are produced in all the regional languages of India or only in some particular languages, and if the latter, the reasons therefor?

Dr. Keskar: The documentaries that the Films Division produces for Plan publicity are produced in all the regional languages of India. Other documentaries are produced on a more restricted basis, mainly for want of funds.

Shrimati Ila Palchoudhuri: May I know how many documentary films were produced before 1953-54 and what the cost of producing them then was?

Dr. Keskar: I would require notice.

Dyeing and Printing of Khadi

*622. **Shrimati Parvathi Krishnan:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the question of allowing the dyeing and printing of Khadi in the textile mills of Bombay was even discussed by he late All India Khadi and Village Industries Board or its successor the All India Khadi and Village Industries Commission;

(b) whether any resolution was passed or decision taken in this respect by the Board or Commission; and

(c) if so, its full text?

The Minister of Commerce (Shri Kanungo): (a) and (b). Yes, Sir.

(c) The full text of the resolution adopted by the All India Khadi and Village Industries Board at its 22nti meeting held on the 28th October, 1956 is as follows:—

"ITEM No. (13) of the Agenda:

Consideration of the note dated July, 1956 of Shri D. V. Lele, Member-in-charge, Khadi regarding dyeing, printing etc. of Khadi in mills.

The Board took the following decisions:

(i) The dyeing and printing of Khadi in mills should be discontinued by the end of December, 1956.

(ii) Shri D. V. Lele, Member-in-Charge, Khadi was requested to draw up proposals to carry out the work in question through the institutions of printers and/or artisans.

(iii) In regard to Government supplies the existing arrangements of dyeing of cloth in mills would continue till such time as suitable arrangements for the purpose were made by the Board. Shri S. C. Das Gupta was requested to draw up proposals for the purpose.

The Executive Committee was authorised to implement the above decisions."

It is understood that at a subsequent meeting, the Board authorised the Chairman to held over action on the above resolution and to refer the matter to the Khadi Samiti of the Akhil Bharat Seva Sangh for its advice. The views of the Khadi Samiti are still awaited.

Shrimati Parvathi Krishnan: Is it not a fact that there was an earlier decision that the Khadi Board itself should set up centres for dyeing and printing?

Shri Kanungo: The Khadi Board which has since been converted into the Khadi Commission does not usually set up institutions for production and so on. It helps its component institutions to do so, and there are proposals for having dyeing houses by its component institutions.

Shrimati Parvathi Krishnan: May I know what happened to those proposals, because, if I heard correctly, the proposal was that such centres should be brought into being by December 1956? I would like to know how far they have proceeded with it.

Shri Kanungo: The number of institutions existing now is about 22 in different States, and proposals for having more dye-houses of various types are being considered by the Commission, and it is expected that by the end of this year, there will be something like a dozen houses more.

Shri Ranga: Is any effort being made to co-ordinate the work of dyeing as between dyeing houses started and run by the Handloom Board and those established by the Khadi Commission, in order to economise and also to bring about better production?

Shri Kanungo: Wherever such dye-houses can serve both purposes, it will be considered.

Shri B. S. Murthy: What is the attitude of Government to the resolution cited by the hon. Minister just now, because machine dyeing is not consistent with the principle of the Khadi industry?

Shri Kanungo: I am not competent to express my own views, but as far as the work is concerned, certain supplies have got to be made and where existing facilities are not adequate, other facilities have got to be taken care of.

Shrimati Ila Palchoudhuri: May I know how much of the indigenous dyes available in India is used in these places, and how much of foreign dyes is used.

Shri Kanungo: I could not give the exact break-up. But the fact of the matter is that indigenous dyes are very rare, and some of them do not serve the purpose in the sense that they are not fast enough to all tests.

Shrimati Renu Chakravartty: May I know whether the Commission knows that there are a large number of dyeing shops in a city like Calcutta which have very little work to do, and whether the Khadi Board has actually gone into the question as to whether these people can at least be utilised for handprinting?

Shri Kanungo: It is not a question of printing. Printing is always done where printers are available. As far as dyeing is concerned, the Commission takes care to find out where supplies are available.

Shrimati Parvathi Krishnan: To which mills have these contracts been given?

Mr. Speaker: How many mills are there?

Shri Kanungo: About half a dozen were doing it. Now it is only bulk dyeing that is given to those mills where those facilities are available and are not available elsewhere

Export of Monkeys

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*623. **Dr. Ram Subhag Singh:**
Shri Ganpati Ram:
Shri Bhakt Darshan:
Shri Naldurgker:
Shri Naushir Bharucha:
Shri P. R. Patel:
Shri Wodeyar:

Will the Minister of Commerce and Industry be pleased to state:

(a) the number of licensees who export monkeys;

(b) whether Government are inviting more traders to grant licences for the export of monkeys in the near future;

(c) whether Government are aware that there is considerable resentment among the public at the horrible conditions to which these monkeys are subjected to during transit;

(d) if so, the steps Government propose to take in the matter;

(e) whether it is a fact that some prominent institutions like the 'World Coalition Against Vivisection' have requested the Government of India to put a ban on the export of monkeys from India; and

(f) if so, the action proposed to be taken thereon?

The Minister of Commerce (Shri Kanungo): (a) The number used to be twenty but it has recently been reduced to four

(b) No, Sir

(c) and (d) Some representations were received Suitable regulations have now been evolved and enforced to secure humane treatment to monkeys during transit

(e) Yes, Sir

(f) Government do not propose to ban the export of monkeys. But every effort is made to minimise pain and suffering

Dr. Ram Subhag Singh: May I know whether the SPCA has given any suggestion in this regard?

Shri Kanungo: Some societies have asked for a total banning of use of monkeys for research purposes. This matter has been gone into by the Government of India in its Health department along with the Governments of importing countries and research institutions of repute, and the fact of the matter is that this particular variety of monkey is necessary to further research on polio vaccine which is in a stage where success is imminent

Dr. Ram Subhag Singh: My question was whether the Society for the Prevention of Cruelty to Animals, over which the Defence Minister presides, had given any suggestion in regard to this matter

Shri Kanungo: No, but the regulations which have been framed are more than any other society could offer

Dr. Sushila Nayar: Is it a fact that the SPCA has sent a strong protest against the very inhuman conditions in which the monkeys are exported, and it has also sent a very detailed note as to what should be done, to the Chief Commissioner of Delhi to be forwarded to the Government of India?

Shri Kanungo: I do not know when it has been received, but the point is that the regulations which have been worked out are considered adequate by all health and other authorities

श्री भक्त दर्शन : क्या मैं जान सकता हू कि इन बन्दरो को पकडने के लिए केवल हमारे देश पर ही क्यो कृपा दृष्टि की गई है ?

क्या बाकी सारे ससार के बन्दर समाप्त हो गए हैं या हमारे देश के ही बन्दरो मे कौनसी ऐसी विशेषतायें हैं कि इन्ही को बाहर भेजा जाता है ?

वाणिज्य तथ उद्योग मंत्री (श्री मुरारजी देसाई) बात सही है कि इस देश मे ही ये बन्दर मिलते हैं, और जगहो पर नही मिलते हैं, इसी लिए और जगहो से नही लाय जा सकते हैं। सिर्फ अफ्रीका में कुछ ऐसे बन्दर ह लेकिन वहा के बन्दरो के ऊपर यैलो फीवर का बिल्कुल कोई असर नही होता है इसलिए वे काम मे नही आ सकते हैं। इसलिए यहा के बन्द ही वहा काम मे आते हैं और यहा के बन्दर वहा भेजे जाते हैं।

Shri P. K. Deo: Is it a fact that out of the 4 firms who have been granted permits, 3 are foreign firms?

Shri Morarji Desai: Yes

Shri Pattabhi Raman: I saw monkeys myself in Hyderabad being packed like sardines Will Government issue suitable instructions to the railway authorities not to allow packing in such cruel conditions, the boxes being left in the sunshine for hours?

Shri Morarji Desai: Now they are taken by air There are regulations prescribed to see that such cruelty is not perpetrated

Dr. Ram Subhag Singh: The Government set up a Committee to study these matters, about 1-1|2 or 2 years ago May I know whether that Committee has been doing anything in this regard or is it sitting idle?

Shri Kanungo: There is no Committee appointed by the Government on this subject, except inter-departmental discussions

Mr. Speaker: Next question.

पण्डित ब्रज नारायण "ब्रजेश" : बन्दरो को बाहिर भेजने का जहां तक सम्बन्ध है

Mr. Speaker: The hon. Member is late He must have risen along with others

Dock Workers

*624. **Shri Tangamani:** Will the Minister of Labour and Employment be pleased to state

(a) whether Government propose to introduce a scheme to decasualise unregistered coal and ore workers in various ports,

(b) whether casual labour is employed daily under Madras Dock Labour Board, and

(c) whether Government propose to direct the Madras Dock Labour Board to decasualise their casual labour according to the scheme?

The Deputy Minister of Labour (Shri Abid Ali). (a) Not at present

(b) Yes

(c) No The Board is competent to consider this

Shri Tangamani: In view of the fact that the draft was submitted as early as December 1956 and amendments have been submitted by the Unions, may we know when this scheme is going to be implemented in all or some of the major ports?

Shri Abid Ali. The listing of the scheme so far as notification from Government was concerned, was published on 27th July 1957

Shri Tangamani: In view of the fact that in the Vasist Committee's Report, there is an observation (on page 116) referring to casual labour that 'this is not a very satisfactory feature', may we know whether at least in the Madras port, the question of employing casual labour will be stopped as soon as possible?

Shri Abid Ali: Casual labour is employed whenever it is very necessary during peak periods But the

Board considered this question on our suggestion and unanimously decided—the workers' representatives are on the Board and they are a party to this unanimous decision—that this question should be withheld till the piece rate system is introduced; the piece rate system is going to be introduced in the very near future

Shri Tangamani: In Madras, 1350 workers have been decasualised In view of the large number of workers required, will Government consider the question of increasing the number of decasualised workers?

Shri Abid Ali: The Board thinks that even this number they are employing will not be necessary when the piece-rate system is introduced

Ambar Charkha Production

*625. **Shri Damani:** Will the Minister of Commerce and Industry be pleased to state

(a) how many Co-operative societies have been organised to take up Ambar Charkha production up to the period ended 31st March, 1957, and

(b) which State has taken a lead in carrying out the Ambar Charkha production programme with Co-operatives in accordance with the recommendations of the Ambar Charkha Enquiry Committee?

The Minister of Commerce (Shri Kanungo): (a) and (b) Ten Co-operative societies have been organised upto the period ending 31st March, 1957, in the following States

Bombay	6
Delhi	1
Mysore	2
Rajasthan	1

Shri Damani: May I ask what is the monthly production in quantity and in value?

Shri Kanungo: I am sorry I have not got the figures

Shri Damani: How many people are engaged and what is their income?

Shri Kanungo: As I have mentioned, these societies have been incorporated within this year because the practice of the Khadi Board and Commission has been to operate through registered associations Now, they are changing over to this new pattern and therefore details of their production, wages and all that are not available yet,

Shri Ranga: Are Government aware of the fact that there are so many Ambar Charkhas which have been produced in the hope that they would all be purchased by the Khadi Commission or Board and yet the Commission is not in a position to purchase them in view of the various formalities they have themselves formulated and which they have not been able to get over?

The Minister of Commerce and Industry (Shri Morarji Desai): I do not know of any such condition, it is a new thing that I am hearing that some private people are manufacturing Ambar Charkhas and they are not being taken

Shri Ranga: Even after the Khadi Commission had given an assurance that they would be prepared to purchase these charkhas, they have given up the purchase and they have not made payments and so production is being held up Will the Government enquire into that?

Shri Morarji Desai: I cannot make a rambling enquiry If any specific instances are given, I will make an enquiry

Shri Ranga: In New Delhi itself He may make enquiries

Mr. Speaker. The hon Member should give instances

Shri Ranga: They can ask the Commission whether they are able to purchase

Mr. Speaker: Why not the Member also take the trouble? If hon. Mem-

bers get to know something which has not come to the notice of the hon. Minister, nobody need stand on prestige. It is their duty to write to the Minister; they should communicate with the Ministers.

Shri Morarji Desai: I shall enquire.

Shri B. S. Murthy: What is the reason for many of the States not yet having taken to the work of organising co-operative societies for the production of Ambar Charkhas?

Shri Kanungo: The programme of organising co-operative societies has been taken up only this year, because, as I said earlier, the work was being carried through societies registered under the Societies Registration Act.

Reclamation of Land

*626. **Shrimati Renu Chakravartty:** Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) the total amount spent on reclamation of land per acre for refugee rehabilitation in States outside West Bengal; and

(b) what has been the price per acre of land paid to acquire the lands of Belliah Raj Estate already distributed to displaced persons?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) Reclamation cost per acre varies from place to place depending on the type of land to be reclaimed.

(b) For cultivated land—Rs. 600 per acre.

For uncultivated land—Rs 400 per acre.

For culturable Waste land—Rs 50 per acre.

Shrimati Renu Chakravartty: May I know what is the amount of loan which is granted for buying agricultural land in Bengal under the Agricultural Loan Scheme?

Shri Mehr Chand Khanna: The schemes are sent to us by the State Governments and the reclamation costs, as I said just now, vary from place to place.

Shrimati Renu Chakravartty: The hon Minister has not understood my question. There is a particular scheme known as the Land Purchase Loan Scheme. What is the amount granted by way of land purchasing loan for lands within Bengal?

Mr. Speaker: The hon. Member, probably, wants to know what percentage of the cost of acquisition is given.

Shrimati Renu Chakravartty: I will put it in another way The hon Minister is unable to understand my question May I know whether the loan given for an acre of land to be got inside Bengal is lower than the average cost borne by Government for acquiring or reclaiming an acre of land outside Bengal?

Shri Mehr Chand Khanna: I fully followed the question Lands are of different kinds; cultivated land, uncultivated land, marginal land and sub-marginal land The price varies in each place If any particular case is brought to my notice, I shall be able to give the information.

Mr. Speaker: I believe what the hon. Member wants to know is whether the full price of the land is given by way of loan or any portion of it and the balance has to be found by the person who wants to purchase it.

Shri Mehr Chand Khanna: Under our scheme, the land is purchased either by the State Government directly or by the refugee; and, as far as I know, the entire price is given in the shape of loan.

Shrimati Renu Chakravartty: Is it a fact that..

Mr. Speaker: The hon Member has explained and explained and still this is the answer

Shrimati Renu Chakravartty: The hon Minister must reply

Mr. Speaker: He has said that he understood the question thoroughly and given the answer What can I do?

Heavy Electrical Goods

*628. **Shri R. S. Lal:** Will the Minister of **Planning** be pleased to state

(a) whether the Planning Commission has approved higher targets for the production of heavy electrical goods, and

(b) if so, the details thereof?

The Parliamentary Secretary to the Minister of Labour and Employment and Planning (Shri L. N. Mishra): (a) Yes, Sir

(b) A statement indicating the revised targets is placed on the Table of the Sabha [*See* Appendix II, annexure No 67]

Fertilizers

*629. **Shri Ramakrishnan:** Will the Minister of **Commerce and Industry** be pleased to state

(a) whether the present fertiliser production in India is sufficient to meet the country's requirements, and

(b) if not, what is the estimated quantity to be imported in 1957-58?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) The present demand for phosphatic fertilisers is fully met from indigenous production The installed capacity for the production of nitrogenous and potassic fertilizers falls short of country's requirements

(b) The quantities required to be imported during 1957-58 on the basis of the estimated demand are as follows —

(i) Nitrogenous fertilizers containing 1 6 lakh tons of nitrogen (equivalent to 8 lakh tons of ammonium sulphate)

(ii) Potassic fertilizers—about 20,000 tons

Shri Ramakrishnan: May I know whether any Governments have agreed to deferred payment or whether barter agreements have been entered into?

The Minister of Industry (Shri Manubhai Shah): If the hon Member refers to deferred payments for capital goods, yes, Sir As far as fertilizers are concerned, there is no deferred payment

Shri Ranga: Why is that the price of fertilizers has been increased by about 20 or 30 per cent during this year? Is there no such system as equalisation of price for fertilizers produced in India and purchased from outside?

Shri Manubhai Shah: If the hon Member refers to a question which has been skipped over, he will find that we have given the reasons The prices in some of the coke ovens went up and there was some failure also of production But we had pooled the price of ammonium sulphate which is sold at the same price throughout the country

Shri Ranga: But is it not a fact that the Government wanted to subsidise the sales of fertilizers for the Grow More Food Campaign?

Shri Manubhai Shah: The Agriculture Ministry has not given up that policy In some cases, where they felt that the needs of the farmers have been met by current prices, there is no need for subsidy In others where the prices of fertilizers are considered high, then, we had given the subsidy

Shri Ranga: Are we to understand that the increase in prices of fertilizers was an All India policy or only in certain areas?

Shri Manubhai Shah: All India policy

Dr. Ram Subhag Singh: The hon. Minister just now admitted that the price of fertilizers has gone up by 20 per cent due to the failure of production May I know why the production programme of fertilizers has failed?

Shri Manubhai Shah: I should say there was a slight over-statement in the hon Member's question and so I did not oppose it There has been no 20 per cent rise at all The import price is higher by 20 per cent than the internal price Both have been pooled.

Dr. Ram Subhag Singh: Then, what is the actual increase in the price of the fertilizer?

Shri Manubhai Shah: About 10 per cent

Dr. Ram Subhag Singh: But that is wrong because in the rural areas the fertilizer is selling about Rs 39 and that is much more

Shri S. C. Samanta: Is the report appearing in the newspapers, that the Government will not be able to supply that much fertilizers as is required by the country, true?

Shri Manubhai Shah: As already indicated, there is a shortage of foreign exchange and all the 800,000 tons of ammonium sulphate required by the farmers and the agriculture department are not possible to be imported today We are trying our best through bilateral agreement to supply as much as possible—almost 75 per cent of the requirements

Short Notice Question and Answer

Location of Oil Refinery

†

S.N.Q. No. 2. **Shri Hem Barua:**
Shri D. C. Sharma:
Dr. Ram Subhag Singh:
Shri P. K. Deo:
Shri Supakar:
Shrimati Tarkeshwari Sinha:
Shri Bibhuti Mishra:
Shri Naushir Bharucha:
Shrimati Ila Palchoudhury:
Shri Amjad Ali:
Shri Rup Narain:

Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether any final decision has since been taken regarding the location of the fifth oil refinery to be set up by the Assam Oil Company;

(b) if so, the site recommended;

(c) whether a copy of the Experts Committee report on the location of the oil refinery will be laid on the Table of the Sabha:

(d) whether Government have called for a project report for the proposed Oil refinery so far as Gauhati is concerned, and

(e) if so, what factors Government would consider as suitable to make the final decision of the location of the refinery?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) and (b) No Oil Refinery is to be set up by the Assam Oil Company

(c) The report of the Refinery Location Committee is still under examination of the Government and a copy of it will be laid on the Table of the Sabha in the due course

(d) Government are making arrangements for getting a preliminary project study of the proposed Oil Refinery and according to our latest decision this study will be undertaken for Gauhati also

(e) All such factors will be taken into consideration as would go to establish the first national refinery on a sound footing

Shri Hem Barua: In spite of the fact that the Minister has said that there is no proposal for the Assam Oil Company to start an oil refinery there —which I did not put in but which was put in by the Notice Office ...

Mr. Speaker: Hon Member is not the only hon. Member who tabled this question We have consolidated it.

Shri Hem Barua: Anyway, I did not mean it. Whatever it may be, is it not a fact that the Assam Oil Company is going to be a partner with the Government in the oil refinery business and is it not a fact that the Assam Oil Company has reacted most violently to locate it at Barauni and may I know if the Government is apprehensive of the fact that the Assam Oil Company may react still more violently if Gauhati is accepted as a site for the location of the refinery?

Shri K. D. Malaviya: My hon. friend is presuming that a refinery is going to be established with partnership or in association with the Assam Oil Company There should be no such presumption There is no decision of the Government to locate this refinery necessarily with the partnership of the Assam Oil Company and no such negotiations have yet commenced

Shrimati Tarkeshwari Sinha: May I know whether it is a fact that the Assam Government has invited one French oil expert Mr Fritz and that he is going to submit a project report to the Assam Government for the location of a refinery at a suitable place and whether he has already expressed an opinion that Gauhati is a proper place? In that case, how does the Government propose to reconcile his report with its report?

Shri K. D. Malaviya: Government has no information about this expert being appointed by the Assam Government as a consultant or adviser. We have also, just as my hon friend, read something in the newspapers

Shri Hem Barua: Will the Government take Defence reasons into consideration as mentioned by the hon Prime Minister in Lok Sabha on the 18th July.

Shri K. D. Malaviya: One of the factors determining the location of the oil refinery—many factors will be considered—will be the strategic consideration

Shrimati Renu Chakravartty: May I know whether the Central Government has absolutely no information as to whether the State Government has started to find out whether it is possible to have an oil refinery on their own in Assam or not?

Shri K. D. Malaviya: All that I have said is that we have read in the newspaper of a certain expert being consulted by the Assam Government to look into certain questions in this connection We have no official information from the Assam Government that it is making some enquiries like that

Shrimati Ila Palchoudhuri: May I know why Calcutta which was recommended as a site was given up?

Shri K. D. Malaviya: Calcutta is surely one of the places recommended by the expert committee

Shri D. C. Sharma: By what time will the project report be available?

Shri K. D. Malaviya: We are trying to get it as soon as possible but it may take three or four months

Shri P. C. Borooah: If it is found that it is technically feasible and economically sound to locate the refinery at Gauhati will it be located there?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): It is difficult to answer hypothetical questions, if certain facts are favourable and some unfavourable Our whole approach has of course been that the first thing is that Assam's claim should be fully considered and sympathetically considered in this matter It comes first. One has to consider the economic sides and other sides which are obviously important The whole thing will be considered when the report comes It is very difficult for us to say any-

thing without adequate information about details There is a difference of opinion even about facts and figures Therefore, we should have proper facts and figures and then we can consider this in consultation with the Assam Government and others concerned

Shri Hem Barua: In view of the fact that it is computed that India would annually consume 96 thousand tons of aviation spirit and the oil refinery is perhaps going to produce about 2,05,000 tons of aviation spirit, may I know if the Government would propose to make the refinery not an aviation-biassed project but a kerosene-cum-diesel-cum-motor spirit biassed project?

Mr. Speaker: These are all suggestions made

Shri Jawaharlal Nehru: I regret I am not an expert enough to answer these questions

Shri Jaipal Singh: In view of the fact that petroleum is an exclusively Central subject, may I know why the State Governments are embarking upon project reports and the like?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): So far as the drawing up of a project report is concerned, it will be unfair to suggest that the Assam Government is embarking upon a project report It is true that this news item has appeared that they are consulting a French consultant but that is not with the object of preparing a regular project report but to assist them in the preparation of their case because they are pressing that it should be located somewhere in Assam and they are trying to collect materials in support of that proposition

Shri Hem Barua: When the State Minister makes a statement

Mr. Speaker: Order, order We are not going to press these things here and decide the issue here whether it sought to be in Assam or Calcutta or elsewhere The matter is being considered

WRITTEN ANSWERS TO QUESTIONS

अकाबा की खाड़ी

*६१७ **श्री रूप नारायण :** क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सऊदी अरब ने अमरीका को एक ज्ञापन भेजा है जिसमें उसने कहा है कि वह अकाबा की खाड़ी में से गैर-अरबी जहाजों को गुजरने नहीं देगा और यह भी कहा है कि अकाबा की खाड़ी अन्तर्राष्ट्रीय जलमार्ग नहीं है ; और

(ख) क्या इस खाड़ी से भारत के जहाज भी गुजरते हैं ?

वैदेशिक कार्य उपमंत्री (श्रीमती लक्ष्मी मेनन) : (क) सऊदी सरकार द्वारा अमरीका की सरकार को भेजे गए किसी ऐसे ज्ञापन (मेमोरेंडम) का भारत सरकार को पता नहीं है । बहरहाल, सऊदी सरकार ने सब देशों के नाम एक नोट भेजा था, जिसमें कहा था कि अकाबा की खाड़ी अन्तर्राष्ट्रीय जलमार्ग नहीं है और यह कि खाड़ी साथ वाले अरब देशों का प्रादेशिक जलक्षेत्र है ।

(ग) आम तौर से भारतीय जहाज इस खाड़ी से नहीं गुजरते ।

Import Restrictions

*618. **Shri Supakar:** Will the Minister of Commerce and Industry be pleased to state the amount of foreign exchange likely to be saved on account of restriction on imports for the quarter ending the 30th September, 1957?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): The current import policy is an interim policy for the period July-September, 1957, designed to facilitate firstly, adoption of the fiscal year basis for the regulation of imports and

secondly the reassessment of the foreign exchange position. Meanwhile, the requirements of industries for raw materials and semi-finished products are being licensed It is too early to assess the amount of foreign exchange that will be saved thereby

Sindri Fertilizers and Chemicals (Private) Limited

*621. **Shri Morarka:** Will the Minister of Commerce and Industry be pleased to state the reasons for the profits of the Sindri Fertilizers and Chemicals (Private) Limited falling by about Rupees 39 lacs for the year ending March 1956 as compared with the previous year?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): A statement is laid on the Table of the Sabha [*See* Appendix II, annexure No 68]

Industrial Estates in Rajasthan

*627. **Shri M. D. Mathur:** Will the Minister of Commerce and Industry be pleased to state

(a) whether any Industrial Estates have been established in Rajasthan so far, and

(b) if so, when and how many, and

(c) if the reply to part (a) is in the negative the reasons therefor?

The Minister of Industry (Shri Manubhai Shah): (a) to (c) An Industrial Estate costing Rs 40 26 lakhs has been approved for Jaipur, and a grant of Rs 5,000 and a loan of Rs 4 75 lakhs for initial expenditure were sanctioned to the State Government in July, 1956 The State Government propose to commence construction of the Estate during the current month

Indians in Burma

*630. **Shri Shree Narayan Das:** Will the **Prime Minister** be pleased to state:

(a) the number of Indian nationals who have submitted applications for payment of compensation for their lands nationalised in Burma,

(b) whether any compensation has been paid to any applicants, and

(c) if so, the total amount paid and the number of those who received it?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) Figures in respect of Indian nationals who have applied for payment of compensation for their lands nationalised in Burma, are not available, as the Land Nationalisation Department of the Government of Burma, have not maintained such statistics, separately However, according to unofficial sources, it is estimated that 3 to 4 thousand applications have been filed by Indian nationals, so far

(b) and (c) No authentic information about the number of Indians who have received compensation is available yet Efforts are, however, being made to obtain this information from the Government of Burma

द्वितीय पंचवर्षीय योजना (राजस्थान)

*६३१. **श्री ह० च० शर्मा** क्या योजना मन्त्री यह बताने की कृपा करेंगे कि

(क) द्वितीय पंचवर्षीय योजना के पहले वर्ष के अन्तिम तीन महीनों में राजस्थान सरकार ने किन मदों पर ७ ३२ करोड़ रुपये व्यय किये, और

(ख) क्या वे सभी कार्य, जिन पर उक्त राशि व्यय की गयी, निर्धारित समय में पूर्ण हो गये?

योजना उपमंत्री (श्री श्या० न० मिश्र): (क) एक विवरण सभा की मेज पर रख दिया गया है। [देखिये परिशिष्ट २ अनुबन्ध संख्या ६६]

(ख) राज्य सरकार से अपेक्षित सूचना प्राप्त की जा रही है।

Manufacture of Cars

***632. Shri Gajendra Prasad Sinha:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any ceiling has been fixed for different producing units of automobile cars manufactured in India; and

(b) the total production of "Fiat" and Hindustan "Landmaster" during the years 1956 and 1957 so far?

The Minister of Industry (Shri Manubhai Shah): (a) No, Sir.

(b) 4,085 Fiat "1100" and 4,825 Hindustan "Landmaster" cars were produced in 1956; and 2,282 and 2.047 during January to June, 1957, respectively.

Sandal-wood oil

***633. Shri Ramakrishna Reddy:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the reasons why there is a fluctuation in the export trade of Sandal-wood oil;

(b) what are the peculiar difficulties experienced by the exporters in receiving "Agmark" certificates from Government for its export; and

(c) what remedial measures Government propose to take to put down the "Spike" disease, which impairs the quality of the oil?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Fluctuations in prices and demand have probably been caused by recurring threat from synthetic products and availability of cheaper and inferior substitutes. *Inter se* competition amongst exporters has tended to exaggerate the effect of a fall in demand on the prices.

(b) Initially, exporters experienced some delay, which is being eliminated.

(c) This is being examined.

Small Scale Production Centres

***634. Shri B. S. Murthy:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 258 on the 23rd July, 1957 and state:

(a) the location of the proposed Small Scale Production Centre in Andhra Pradesh; and

(b) the particulars of industries to be undertaken?

The Minister of Industry (Shri Manubhai Shah): (a) It has been tentatively decided to locate the proposed Production Centre for Andhra Pradesh in the Industrial Estate at Hyderabad.

(b) A scheme for the manufacture of hand-tools such as those required for carpentry, blacksmithy and other engineering trades, in the above Production Centre, is under preparation.

Small Industries Service Institute

***635. Shri Warior:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) when the Small Industries Service Institute was set up at Trivandrum;

(b) what are the functions of the Institute;

(c) what are the schemes prepared so far in consultation with the Institute since it was set up; and

(d) how many of them have been implemented?

The Minister of Industry (Shri Manubhai Shah): (a) 4th July, 1956.

(b) A statement is laid on the Table of the Sabha. [*See* Appendix II, annexure No. 70.]

(c) and (d). Schemes are prepared by the organisation of the Development Commissioner for Small Scale

Industries as a joint effort of different officers in different institutes and other offices It is not possible to say exactly how many schemes have been prepared in consultation with any particular Institute But in all 50 model schemes have been so far prepared by different Institutes The implementation of direct Central Government schemes in the Kerala State is in progress at Shoranur, Trichur, Alleppey, Attingal, Muvattupuzha, Ettumanoor, Thiruvalla and Vaniamkulam

Indians in Malaya

*635-A. Shri Kumaran:
Shri Narayanankutty Menon:
Shri D. C. Sharma:

Will the **Prime Minister** be pleased to state

(a) whether the Malayan Independence Bill now under consideration by the British Parliament contains any provisions adversely affecting the rights of Indians in Malaya, and

(b) if so, the steps Government have taken to safeguard their interests?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) The provisions of the Bill to which the Member refers do not envisage any discrimination against Indians in Malaya as such Some of the clauses relating to citizenship, however, are understood to have undergone certain amendments The final bill containing the new Malayan constitution will go up to the Malayan Federal Legislative Council only about the middle of August 1957 after approval by the State Councils A copy of the bill in final form has not yet reached us, and it is too early to say now whether it contains any provisions adversely affecting the rights of Indians in Malaya

(b) Our Commissioner is in touch with the Malayan Government in the matter and suitable steps will no doubt be taken if the bill envisages any discrimination specially against Indians, which we hope it would not

Hire Purchase of Sewing Machines

*636. **Shri Bahadur Singh:** Will the Minister of **Commerce and Industry** be pleased to state

(a) whether Government have evolved a scheme for the supply of sewing machines on hire-purchase basis to the low-income groups;

(b) the number of sewing machines that have been ordered with the Ludhiana Sewing Machines Industries Corporation, and

(c) the number of sewing machines purchased so far from the Usha Sewing Machine concern?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir The scheme is operated through the National Small Industries Corporation (Private) Limited

(b) 1,000

(c) 1,580

Import of Milk-Powder from the U.S.A.

*637. Shrimati Tarkeshwari Sinha:
Dr. Ram Subhag Singh:
Shri Raghunath Singh:

Will the Minister of **Commerce and Industry** be pleased to state

(a) whether Government propose to buy milk-powder from the U.S.A.,

(b) if so, the quantity to be purchased, and

(c) the special consideration, if any, which have weighed with Government in making this deal?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Yes, Sir

(b) 15,000 tons during a period of three years beginning from 1st July, 1956

(c) In order to save foreign exchange

Reeling Machines

*638. **Shri Shankariah:** Will the Minister of **Commerce and Industry** be pleased to state·

(a) how many 40 ends reeling machines have been imported till now and where they have been fixed,

(b) whether any Japanese experts have been engaged to tram up local people m the use of these machines, and

(c) how far it has helped in the reeling of improved type of silk?

The Minister of Commerce (Shri Kanungo): (a) 40 ends reeling machines have not been imported 4 sets of 20 ends reeling basins were imported from Japan in 1950-51 These are installed at Kollegal (Mysore), Channapatna (Mysore), Berhampore (West Bengal) and Jammu.

(b) Yes, Sir The services of a Japanese expert were secured in 1950-51 for one year for assisting m the erection of the machines and training local officers in their use

(c) The experiments with the imported machines have benefited the reeling industry which has since introduced improved types of multi-end reeling basins as well as domestic basins

Khadi Gramodyog Bhawan, New Delhi

*639. **Shri Vasudevan Nair.** Will the Minister of **Commerce and Industry** be pleased to lay on the Table of the Sabha balance-sheets and profit and loss statements m respect of the Khadi-Gramodyog Bhawan, New Delhi for the years 1955-56 and 1956-57 and state how did the Bhawan explain for the losses, if any, incurred by it during the above years?

The Minister of Commerce (Shri Kanungo): The accounts of the Khadi Gramodyog Bhawan, New Delhi, for the financial years 1955-56 and 1956-57 are being audited by the local audit party of the Deputy Accountant General, (Commerce, Steel and Mines), New Delhi The result of the audit is awaited

The Trading and the Profit and Loss Account as also the Balance Sheet of the Khadi Gramodyog Bhawan, New Delhi for the financial year ending 31st March 1956, as prepared by an internal audit party of the Khadi and Village Industries Commission are, however, laid on the Table of the House [*See* Appendix II, annexure No 71] The Balance Sheet indicates a net profit of Rs 3,287-3-6 during the year

Employment Market Information

*640 **Shri A. K. Gopalan:**
Shri Narayanankutty Menon:
Shri Bhakt Darshan

Will the Minister of **Labour and Employment** be pleased to state

(a) whether it is a fact that a pilot project to collect employment market information under the supervision of I L O expert was started in Delhi,

(b) if so, who are the other persons associated in this project, and

(c) what progress has been made in the project?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes

(b) Officers of the Directorate General of Resettlement and Employment, Regional Directorate in Delhi and the Delhi Employment Exchange

(c) Quarterly Reports on the Delhi employment market have been published from December 1955 A scheme for the extension of the programme to other States was also drawn up and circulated to State Governments

on the basis of which they are making proposals for the implementation of the scheme in the States.

Symposium on Brick and Tile Manufacture

*641. **Shri Keshava:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether the proceedings and minutes of the symposium held in Calcutta in February, 1957 on "The Brick and Tile Manufacture in India" have been published in Hindi and any other regional languages; and

(b) whether they are widely circulated in the country?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) Not yet, Sir.

(b) The intention is to circulate them as widely as possible.

Illegal Entry by Pakistanis

*642. **Shri Radha Raman:** Will the Prime Minister be pleased to state:

(a) the number of arrests made of Pakistani nationals in Eastern and Western regions of Indian territory for infiltration without proper passports and visas during the first half of the calendar year;

(b) whether any steps have been taken to check such infiltration;

(c) if so, what are they;

(d) the number of Pakistani nationals who have overstayed in this country without legal permits during the same period; and

(e) how Government has been dealing with this problem to establish effective vigilance in this regard and to stop this practice?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) 3,209, excluding certain districts of U.P. and the States of Bombay, Kerala, Madras, West Bengal, and Jammu & Kashmir. Information from these States has not yet been received.

(b) and (c). Steps have been taken to ensure increased vigilance along the border.

(d) 7,082 excluding certain districts of U.P. and the States of Bombay, Kerala, Madras, West Bengal and Jammu & Kashmir. Information from these States is awaited.

(e) Action is taken against such offenders under the Foreigners Laws (Amendment) Act, 1957.

Salt Cess and Salt Proceeds

*643. **Shri Morarka:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the total receipts on account of Salt Cess and Salt proceeds have gone down from 212 lakhs in 1955-56 to 148 lakhs in 1956-57; and

(b) if so, what are the reasons for this fall?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Yes, Sir; there has been a decline in the receipts. The final figure of total receipts for 1955-56 is Rs. 217·26 lakhs and the latest provisional figure for 1956-57 is Rs. 179·14 lakhs.

(b) The reasons for the fall in total receipts during 1956-57 are:

(1) sale proceeds being lower by about 21 lakhs compared with the previous year; and

(2) recoveries of cess being lower by about 17 lakhs on account of the concession of levy of cess on a graduated scale with effect from 23rd April, 1956, according to which salt works with an area between 10 and 100 acres were charged a cess of one anna per maund only against two annas previously charged.

Third Five Year Plan

*644. **Shri V. P. Nayar:** Will the Minister of Planning be pleased to state:

(a) at what stage is the work in connection with the Third Five Year Plan, and

(b) the details of work so far done in this regard?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b) Preliminary steps for studies and investigations in selected fields are being taken These relate to technical manpower, irrigation and power projects, steel and heavy industries and agriculture

Sericulture

*645. **Shri Ganpati Ram:** Will the Minister of Commerce and Industry be pleased to state.

(a) whether it is a fact that Government propose to spend rupees 2 lakhs on the training of sericulture,

(b) the training centres where trainees will be trained and what facilities will be given to each trainee during the training period, and

(c) what are the future commitments to the trainees regarding their jobs after their training is completed?

The Minister of Commerce (Shri Kanungo): (a) It is proposed to spend a sum of Rs 8,11,700 on training in sericulture in 1957-58 as follows —

(i) Establishment of an All India Training Institute at Channapatna	Rs 5,18,700.
(ii) Grants to various States	Rs 2,93,000
	Rs 8,11,700

(b) (i) Channapatna (Mysore), (ii) Berhampore (West Bengal), (iii) Titabar (Assam), (iv) Premnagar (U.P.), and (v) Srinagar (Jammu and Kashmir)

Facilities like lodgings and, in some cases, stipends and travelling allowances will be afforded to the trainees.

(c) The trainees will be absorbed in the Sericulture Departments of the State Governments as far as possible. No commitment, however, has been made by the Central Government in this regard

Fallow and Waste Land in West Bengal

*646. **Shrimati Renu Chakravartty:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether any collection of data regarding fallow and waste land available in West Bengal has been undertaken by Government either Central or the State after the Ishaque Committee report was rendered out of date after partition; and

(b) if not, the reasons therefor?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) and (b) No survey of fallow and waste land available in West Bengal has been undertaken by the Central Government An enquiry has been made from the State Government whether they have made any survey after the Ishaque Committee report and the information, when received, will be laid on the Table of the Sabha

Phosphatic Fertilisers

*647. **Shri Ramakrishnan:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether any phosphatic fertilisers other than super phosphate are proposed to be manufactured in India, and

(b) if so, whether any licences have been issued?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Yes, Sir.

(b) A licence has been issued to set up a plant for the manufacture of 16,500 tons of Ammonium Phosphate per year Production is expected to commence in 1959

Turmeric Exports

*648. **Shri R. S. Murthy:** Will the Minister of Commerce and Industry be pleased to state·

(a) the quantity and value of turmeric exported during 1956-57, and

(b) the steps taken to clear the recent slump in turmeric market?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) 12,559 tons valued at Rs 121 lakhs

(b) The sharp decline in prices had been caused by accumulations in assembling markets The Forward Markets Commission have provided hedging facilities and a system of special margins payable by sellers in the forward market in the event of prices falling below certain limits has been in force since 1956 We are also endeavouring to find new markets for Indian turmeric

Khadi Stock

*649. **Shri R S. Lal·** Will the Minister of Commerce and Industry be pleased to state

(a) whether a large stock of Khadi has been lying unsold in producing centres,

(b) if so, the quantity thereof, and

(c) what steps are being taken to clear this stock?

The Minister of Commerce (Shri Kanungo): (a) No, Sir

(b) and (c) Do not arise

Capital Formation

468. **Shri Morarka:** Will the **Prime Minister** be pleased to state

(a) whether the estimates of the capital formation for the year 1954-55 have been prepared,

(b) if so, whether a copy of these estimates will be laid on the Table of the Sabha; and

(c) how do these estimates compare with those of the previous year?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes These estimates have been worked out by making the best use of available data which can by no means be considered adequate and satisfactory The estimates are being constantly improved with increasing availability of data

(b) A statement giving the broad totals for 1954-55 compared with the corresponding revised estimates for the previous year is placed on the Table of Lok Sabha [See Appendix II, annexure No 72]

(c) There was an overall increase of Rs 70 crores or 11 per cent in 1954-55 over the estimates for 1953-54. Most of this increase was accounted for by the public sector

विदेशों के प्रतिष्ठित व्यक्तियों का आगमन

४६६ **श्री खुशवक्त राय :** क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि पिछले तीन वित्तीय वर्षों मे भारत सरकार के निमत्रण पर विदेशो के जो प्रतिष्ठित व्यक्ति भारत आये, उन पर सरकार ने प्रति वर्ष कितना रुपया खर्च किया ?

प्रधान मत्री तथा वैदेशिक कार्य मत्री (श्री जवाहरलाल नेहरू) भारत सरकार के निमत्रण पर पिछले तीन वित्तीय (फाइनेनशियल) वर्षों मे विदेशो के जो प्रतिष्ठित व्यक्ति भारत आये थे उन पर जो कुल खर्च हुआ वह इस प्रकार है

	रुपये
१९५४–५५	७,५७,१५६
१९५५–९६	२२,२१,५३५
१९५६–५७	२१,५०,०००

Purchases Abroad

470. Shri H. N. Mukerjee: Will the Minister of **Works, Housing and Supply** be pleased to state.

(a) the total value of stores purchased abroad during 1956-57, and

(b) the steps taken to bring down foreign purchase to the minimum?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) Rs. 198 crores

(b) Before purchases are made abroad, indents are thoroughly screened to ensure that only stores which are not available in the country are imported

Subsidy to Spinning Mills

471. Shri A. C. Guha: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the amount paid to the different spinning mills as subsidy for the supply of American cotton, State-wise, and year-wise and the number of mills in each State, and

(b) on what grounds Government were satisfied that the mills really complied with the conditions *viz* the full supply of the yarn to handlooms?

The Minister of Commerce and Industry (Shri Morarji Desai): (a) A statement giving the required information is laid on the Table [*See* Appendix II, annexure No 73]

(b) Following steps were taken to see that the mills complied with the condition for free supply of yarn produced out of the subsidised cotton for handloom industry

(i) The mills which were allocated subsidised American cotton, were told in specific terms that the cotton is allotted to maintain the production of medium counts of yarn in the country and had, therefore, to use it for production of yarn according to the specifications laid down by the Textile Commissioner An undertaking to that effect on stamped paper was also obtained from such mills.

(ii) Such cotton having been obtained by the mills, they were not allowed to sell it to any other party without prior permission

(iii) The mills were required to submit returns of the yarn produced out of the cotton subsidised in order to verify that the actual yarn production was according to the specifications and the quantity of yarn produced was what could be realised from this cotton

(iv) Export of yarn made wholly out of this cotton as well as the yarn of counts between 16s and 24s, made from subsidised cotton in mixing with Indian cotton was totally banned This ban was subsequently extended to yarn upto 32s This was done with a view to ensuring that the yarn produced from subsidised cotton was consumed in the country The yarn so produced, was released to the State Governments for distribution to the handloom Industry

Low Income Group Housing Scheme

472. Shri B. K. Gaikwad: Will the Minister of **Works, Housing and Supply** be pleased to state the amount sanctioned by way of loans and grants to Bombay State under Low Income Group Housing Scheme so far since inception of the scheme?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): The Low Income Group Housing Scheme provides for financial assistance in the form of loan only. The requisite information is given below:—

Year	State	Amount allocated	Amount disbursed
		(Rs. in lakhs)	
1954-55 & 1955-56	Bombay	225·00	52 00
	Saurashtra	50 00	35 00
	Kutch	3 20	Nil
1956-57	Bombay	70 00	35·60
	Saurashtra	12 00	3 45
	Kutch	1 70	0·20
1957-58	Bombay	75·00	Nil so far
	TOTAL	436 90	126·25

Indo-Pakistan Agreement on Movable Property

474. **Shri D. C. Sharma:**
Shri Ram Krishan:

Will the Minister of **Rehabilitation and Minority Affairs** be pleased to refer to the reply given to Unstarred Question No 10 on the 14th May, 1957 and state the further progress, if any, made in the implementation of the Indo-Pakistan Agreement on moveable property?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): Some further progress has been made in regard to recovery of personal and household effects, exchange of verified lists relating to Postal accounts and certificates, and recovery of buried treasures In all other matters there has been hardly any progress—even the meeting of the Implementation Committee which should have been held in May, had to be postponed on the suggestion of the Pakistan Government

Displaced Persons from East Pakistan

* 475. **Shri D. C. Sharma:** Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) whether any new scheme for the resettlement of displaced persons from East Pakistan has been devised by the Government of India, and

(b) if so, what is its nature?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) and (b) Information regarding the schemes in operation and the important schemes under consideration for the rehabilitation of displaced persons from East Pakistan is given in the Annual Report of this Ministry for 1956-57 and the Six-monthly review for the period January-June, 1957, copies of which have been circulated to Members of Parliament

Employment Exchanges

476. **Shri D. C. Sharma:** Will the Minister of **Labour and Employment** be pleased to state:

(a) the total number of (i) educated and (ii) un-educated persons who were registered with the various Employment Exchanges in the country during 1957 as far as available (State-wise); and

(b) the number who have been given employment?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). The required information, relating to the period January-June, 1957, is given

below .—

State	Number of registrations			Number of placements		
	*Educated persons	Others@	Total	*Educated persons	Others@	Total
1	2	3	4	5	6	7
Andhra	17,285	32,850	50,135	2,171	2,238	4,409
Assam	1,856	13,983	15,839	268	1,260	1,528
Bihar	9,592	50,112	59,704	853	6,458	7,311
Bombay	32,871	81,732	114,603	4,331	8,309	12,640
Delhi	13,473	24,387	37,860	2,597	2,830	5,427
Himachal Pradesh	492	2,179	2,671	54	204	258
Kerala	14,476	5,047	19,523	1,587	1,691	3,178
Madhya Pradesh	5,712	22,635	28,347	857	2,363	3,220
Madras	24,779	51,764	76,543	4,289	5,313	9,602
Mysore	9,413	15,265	24,678	782	1,286	2,068
Orissa	1,828	17,468	19,296	267	1,342	1,609
Pondicherry	322	2,856	3,178	4	27	31
Punjab	20,583	48,412	68,995	2,480	7,81/	
Rajasthan	9,615	21,444	31,059	844	1,996	2,840
Tripura	452	526	978	1	2	3
Uttar Pradesh	43,623	1,05,796	1,49,419	4,215	13,329	17,544
West Bengal	31,174	58,910	90,084	1,657	7,303	8,960
All India Total	2,37,546	5,55,366	7,92,912	27,257	63,668	90,925

*Matriculates and above

@Non-matriculates and illiterates.

Black Pepper and Chillies

477. Shri D. C. Sharma: Will the Minister of **Commerce and Industry** be pleased to state

(a) the quantity of black pepper and chillies produced in India annually; and

(b) the quantity consumed in the country?

The Minister of Commerce and Industry (Shri Morarji Desai): (a) Two statements showing State-wise production figures of pepper and chillies during the period, 1951-52 to 1956-57 are attached [See Appendix II, annexure No 74]

(b) Precise quantities of pepper and chillies consumed in the country are not known It is estimated that eight to nine thousand tons of pepper are consumed in the country The domestic requirements of chillies are estimated to be 3,50,000 tons per year

All India Handicrafts Board

478. Shri D C Sharma: Will the Minister of **Commerce and Industry** be pleased to state

(a) the amount sanctioned as grants and loans to the Punjab State for the development of handicrafts by the All India Handicrafts Board during the years 1956-57 and 1957-58 so far,

(b) how much amount has actually been drawn and spent by the State Government; and

(c) whether the balance, if any, for the year 1956-57 was allowed to be carried over to the current financial year?

The Minister of Commerce and Industry (Shri Morarji Desai): (a) The following amounts were sanctioned, on the recommendations of the All India Handicrafts Board, as grants and loans to the Punjab State in 1956-57 and 1957-58 for the development of handicrafts:—

Year	Grant	Loan
	Rs.	Rs.
1956-57	1,11,285	70,000
1957-58 (upto 31-7-57)	41,825	56,500

(b) An amount of Rs. 68,432 against the grant was actually drawn and spent by the State Government during 1956-57;

(c) Yes, Sir.

Labour Disputes in Textile Mills

479. Shri D. C. Sharma: Will the Minister of Labour and Employment be pleased to state the total number of labour disputes in Textile Mills which have occurred during 1956?

The Deputy Minister of Labour (Shri Abid Ali): There were 224 labour disputes leading to work-stoppages in textile mills (cotton and jute) during the year 1956.

Automobiles

481. Dr. Ram Subhag Singh: Will the Minister of Commerce and Industry be pleased to state:

(a) whether the production of automobiles in the country has marked any increase over the previous years' production; and

(b) if so, by what percentage?

The Minister of Commerce and Industry (Shri Morarji Desai): (a) Yes, Sir.

(b) The relevant figures are as under:—

Year	1955	1956	1957 (Jan.-June)
No. of vehicles produced :—			
(i) Cars	10,266	13,666	6,215
(ii) Commercial vehicles (including Jeeps)	12,818	18,472	10,408
TOTAL—(ALL VEHICLES)	27,084	32,138	166,23

It will be seen that the average production of cars in the first six months of 1957 was 9 per cent. less than the average for 1956 while that of commercial vehicles was about 12 per cent. more.

Cotton Yarn

482. **Shrimati Tarkeshwari Sinha:** Will the Minister of Commerce and Industry be pleased to state:

(a) the present position with regard to the stock of unused cotton yarn with the mills:

(b) the reasons for the large accumulation of yarn, if any, in mills; and

(c) the approximate quantity of unused yarn that has been allowed to be exported?

The Minister of Commerce and Industry (Shri Morarji Desai): (a) The stock of cotton yarn pending sale with the mills on the 13th July, 1957 was 56.275 bales.

(b) There has been no large accumulation of stocks of yarn with the mills. The stocks of cotton yarn with the mills constitute only about 5 days' production or 15 days' supply for the decentralised sectors such as handlooms and powerlooms.

(c) An annual quota of about 54,000 bales of yarn has been earmarked for export exclusively by the mills. Besides, 17,500 bales have been released for free licensing during the period July-December 1957 from the quantity remaining un-shipped by the mills or their nominees out of the allotments made in their favour in the last quarter.

खली का निर्यात

४८३. **श्री वल्लपति राव :** क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५४, १९५५, १९५६ और १९५७ में 'नीम' और 'महुआ' की खली किस मात्रा में तथा किन-किन देशों को निर्यात की गई;

(ख) इसके लिये १९५६-५७ में कितने निर्यात लाइसेंस दिये गये; और

(ग) उपरोक्त अवधि में देश में खली की कितनी खपत हुई ?

वाणिज्य तथा उद्योग मंत्री (श्री मुरारजी देसाई) : (क) १९५४, १९५५ और १९५६ की सालों के वैदेशिक व्यापार के आंकड़ों में 'नीम' और 'महुआ' की खली के निर्यात सम्बन्धी आंकड़े अलग से दर्ज नहीं किये गये हैं। जनवरी से अप्रैल १९५७ तक, जिसके अलग अलग आंकड़े उपलब्ध हैं, 'महुआ' की ५५० टन खली श्री लंका को निर्यात की गयी जबकि इस अवधि में नीम की खली का कोई निर्यात नहीं हुआ।

(ख), 'नीम' और 'महुआ' की खली के निर्यात पर कोई नियंत्रण नहीं है इसलिए इसके निर्यात के लिए किसी लाइसेंस की कोई जरूरत नहीं होती।

(ग) यह जानकारी उपलब्ध नहीं है।

उत्तर प्रदेश में सूत की मिल

४८४. **राम शंकर लाल :** क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि

(क) क्या उत्तर प्रदेश सरकार ने सूत की मिल खोलने के बारे में कोई योजना पेश की है; और

(ख) यदि हां, तो उस पर क्या निर्णय किया गया है, और इस समय यह मामला किस स्थिति में है ?

वाणिज्य तथा उद्योग मंत्री (श्री मुरारजी देसाई) : (क) जी, हां। मार्च, १९५४ में उत्तर प्रदेश सरकार ने सहकारिता के आधार पर एक कताई मिल खोलने की एक योजना अ० भा० हथकरघा बोर्ड बम्बई के सचिव के पास भेजी थी।

(ङ) राज्य सरकार ने यह मिल खोलने के लिए १० लाख रु० का ऋण और २ लाख रुपये का अनुदान मांगा था । उसे उसके उत्तर में सूचित किया गया कि इस योजना पर तभी विचार होगा, जब इसके लिये आवश्यक पूंजी का बड़ा हिस्सा सहकारी समितियां जमा कर लेंगी । लेकिन राज्य सरकार ने जून १९५४ में यह योजना वापिस ले ली ।

अल्प आय वाले लोगों के लिए गृह-निर्माण योजना

४८५. पण्डित दया० प्र० ज्योतिषी क्या निर्माण, आवास और संभरण मन्त्री यह बताने की कृपा करेंगे कि अल्प आय वाले लोगों के लिये गृह-निर्माण योजना के अन्तर्गत प्रत्येक राज्य में अब तक कितने मकान बने हैं?

निर्माण, आवास और संभरण उप-मंत्री (श्री अलिच कु० चन्दा) मांगी हुई सूचना का विवरण पटल पर रख दिया गया है [देखिये परिशिष्ट २, अनुबन्ध संख्या ७५]

Salt Production

486. Shri M. D. Mathur: Will the Minister of Commerce and Industry be pleased to state

(a) the total strength of the labour employed in the production of salt at Didwana,

(b) whether it is a fact that there is no drinking water available at the work port for the labour,

(c) if so, what arrangements Government propose to make, and

(d) whether any labour welfare activity is contemplated there in the near future?

The Minister of Commerce and Industry (Shri Morarji Desai): (a) The particulars of labour employed month by month in 1955 and 1956 are given in the statement laid on the Table [See Appendix II, annexure No 76]

(b) There is no source of drinking water available near the pan works. There is a closed tank at Mata Store yard about one mile from the pan works, in which rain-water is stored during the monsoon and utilized by the salt workers throughout the year

(c) A scheme for extension of the pipeline from Didwana town to the salt works is under consideration in consultation with the State Government

(d) A shelter for labour has already been constructed Construction of 5 more shelters and 3 latrines for the labour is proposed to be undertaken shortly The Salt Department dispensary at Didwana caters to the needs of the salt labour

Indians Kidnapped by Portuguese Police

487. Shri Vajpayee: Will the Prime Minister be pleased to refer to the reply given to a Supplementary raised on Starred Question No. 135 on the 18th July, 1957 and state·

(a) the number of civilians and others kidnapped from within Indian territory by the Portuguese Police or Military in Goa during the last three years,

(b) how many of these still continue to be under detention or custody of the Portuguese authorities, and

(c) the steps Government have taken or propose to take to ensure checking this highhandedness of the Portuguese authorities?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Four

(b) One

(c) The Government of India have strengthened the security arrangements on Indo-Goa border and have given instructions to the border police to prevent recurrence of such incidents In their protest notes, the

Government of India have also warned the Portuguese authorities that the responsibility for the consequences resulting from such violations will be that of the Portuguese Government at Lisbon

Unemployment Among Graduates

488. **Shri Krishnaiah:** Will the Minister of **Labour and Employment** be pleased to state

(a) whether the Government have undertaken a survey of unemployment among graduates, and

(b) if so, the steps Government have so far taken to alleviate the situation?

The Deputy Minister of Labour (Shri Abid Ali): (a) No

(b) Does not arise

Dudkundi Displaced Persons Camp

489 **Shri Subodh Hasda:** Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state

(a) whether it is a fact that a large amount of money has been spent on construction of houses for the displaced persons of Dudkundi Camp, West Bengal,

(b) if so, what is the amount, and

(c) whether these houses have been allotted to the displaced persons?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) to (c) The information is being collected and will be laid on the Table of Lok Sabha

Dudpur Colony of Tripura

491. **Shri Dasaratha Deb:** Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state

(a) whether any representation has been made by the displaced persons of Dudpur Colony of Tripura for the postponement of realising arrears of loans advanced to the displaced persons,

(b) if so, what steps have been taken so far in the matter,

(c) the number of notices served to the refugees of Tripura during 1956 and 1957 so far for the realisation of loans; and

(d) in how many cases the loans have already been realised?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) No such representation has been received by the Government of India

(b) Does not arise

(c) and (d) The total number of displaced families in Tripura who have been advanced rehabilitation loans is about 51,000 They have been settled in different sub-divisions Notices for recovery of loan-instalments are served on the displaced loanees according to the terms and conditions for repayment Figures regarding (i) the actual number of notices served in 1956-57 for the realisation of loan and (ii) the number of cases in which the loans have been realised, are not readily available

Industrial Training Centres, Mysore

492. **Shri Thimmaiah:** Will the Minister of **Labour and Employment** be pleased to state

(a) the number of candidates trained up to December, 1956 at the various Industrial Training Centres in the Mysore State, and

(b) the number of trainees belonging to Scheduled Castes?

The Deputy Minister of Labour (Shri Abid Ali). (a) 2,797

(b) 28 were trained during 1956 Information for earlier years is not available

PAPERS LAID ON THE TABLE

Amendment to Coal Bearing Areas (Acquisition and Development) Rules

The Minister of Steel, Mines and

Fuel (Sardar Swaran Singh):

Sir, I beg to lay on the Table, under sub-section (3) of Section 27 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, a copy of the Notification No. S. R. O. 2435 dated the 27th July, 1957, making certain amendments to the Coal Bearing Areas (Acquisition and Development) Rules, 1957. [*Placed in Library. See* No S-155/57].

AMENDMENT TO DISPLACED PERSONS (COMPENSATION AND REHABILITATION) RULES

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): Sir, I beg to lay on the Table, under sub-section (3) of Section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, a copy of the Notification No S R O 2374/R Amdt XIV, dated the 20th July, 1957, making certain further amendment to the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 [*Placed in Library See* No S-156/57]

STATEMENT CORRECTING REPLY GIVEN TO QUESTION

The Minister of State in the Ministry of Home Affairs (Shri Datar): Sir, I beg to lay on the Table a copy of the statement correcting the reply given to Unstarred Question No. 462 on the 29th May, 1957.

Statement

In connection with the answer given to Unstarred Question No 462 in the Lok Sabha on the 29th May, 1957, I wish to lay the following statement on the Table of the House

It has since been discovered that the answer given to parts (c) and (d) of the question did not represent the correct position. This was due to some misapprehension on the part of certain offices from where the material for the answer had to be collected The correct position is as follows:—

It is true that applications from certain candidates, who were already in the employ of a Central Government Office, were not forwarded to the Union Public Service Commission, even though they were eligible for appearing at the examination in terms of the prescribed conditions of eligibility. However, in respect of persons already in Government employ, the discretion whether any application for recruitment by selection to posts advertised by other Ministries or Departments or by the Union Public Service Commision, as also for competitive examination held by the Union Public Service Commission for recruitment to services under Government, should be forwarded or not rests with the administrative authority concerned The question whether applications from employees of a particular Office or Department should be forwarded or not is usually decided with reference to the cadre position and the conditions of employment of the persons concerned in that Office or Department

REPORTS OF TARIFF COMMISSION

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): Sir, on behalf of Shri Manubhai Shah, I beg to lay on the Table, under sub-section (2) of Section 16 of the Tariff Commission Act, 1951, copy each of the following papers:—

(1) Report (1957) of the Tariff Commission on the continuance of protection to the Piston Assembly (Pistons, Piston rings and Gudgeon Pins) Industry

(2) Government Resolution No. 79 (1) TP/57, dated the 24th July, 1957 [*Placed in Library See* No S-159/59]

(3) Report (1957) of the Tariff Commission, on the Continuance of protection to the Sago Industry. [*Placed in Library. See* No. S--159/57.]

(4) Government Resolution No. 12(1) TP/57 dated the 30th July, 1957

[Shri Satish Chandra]

(5) Report (1957) of the Tariff Commission on the continuance of protection to the Grinding Wheels Industry

(6) Government Resolution No 16(1) TP/57, dated the 30th July,1957 [*Placed in Library. See* No S-160/57]

AMENDMENT TO COAL MINES PITHEAD BATH RULES

The Deputy Minister of Labour (Shri Abid Ali): Sir, I beg to lay on the Table, under sub-section (7) of section 59 of the Mines Act, 1952, a copy of the Notification No S R O 2156, dated the 29th June, 1957, making certain further amendment to the Coal Mines Pithead Bath Rules, 1946

[*Placed in Library See* No S-161/57]

PARLIAMENTARY COMMITTEES—SUMMARY OF WORK

Secretary: Sir, I beg to lay on the Table a copy of the "Parliamentary Committees—A Summary of Work", pertaining to the First Session of Second Lok Sabha

[*Placed in Library See* No S-162/57]

BUSINESS ADVISORY COMMITTEE

FIFTH REPORT

12 12 hrs.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move

"That this House agrees with the Fifth Report of the Business Advisory Committee presented to the House on the 2nd August, 1957"

Mr. Speaker: The question is

"That this House agrees with the Fifth Report of the Business Advisory Committee presented to the House on the 2nd August, 1957"

The motion was adopted

ESSENTIAL SERVICES MAINTENANCE BILL

Mr. Speaker: The House will now take up the Essential Services Maintenance Bill for consideration and passing The hon Home Minister may move the motion

Shri Narayanankutty Menon (Mukandapuram) Sir, I rise on a point of order

Mr. Speaker: No motion has been moved, what point of order can there be?

Shri V. P. Nayar (Quilon) When once the motion is moved it becomes the consideration stage My point of order is that the consideration stage cannot be had now, because you will find, Sir,

Mr. Speaker Find from what?

Shri V. P Nayar: Sir, I want to point out that this is in violation of article 117(3) of the Constitution which makes it mandatory that the President's recommendation should also be attached to Bills of this kind We find that there is no President's recommendation attached to this Bill I will state the point very briefly, as you have directed Here is a Bill

Mr Speaker On what ground does it require the President's recommendation?

Shri V. P Nayar That is the point

Mr. Speaker. Let him state the point, and elaborate it if I want it later on

Shri V P. Nayar: The point is, it involves a certain expenditure which has not been anticipated or provided for *elsewhere Here is* a Central legislation making a special penal provision As you know, Central Government employees are working in thousands in various States If as is contemplated, the strike takes place, the various State Governments have necessarily to proceed against those who are prohibited from join-

ing the strike. This is not a normal penal measure for which the States have provided for in their budgets. Then, again, in centrally administered areas where there is a large concentration of Government employees, this measure makes it necessary to spend additional extra amounts. It is not a matter which has been visualised in the Budget. Therefore, it attracts the provisions of article 117 (3).

The Government have held the same view in respect of another Bill for which I gave notice. This is what the Labour Ministry wrote to the Lok Sabha Secretariat—and I have been given a copy of it—about my Bill. This is about factories Act (Amendment) Bill. There was no financial provision at all, but the Labour Ministry said:

> "It would involve expenditure from the Consolidated Fund of India and, therefore, attract provisions of article 117(3) of the Constitution."

The question is not whether immediately there is to be an expenditure or not. The only question is whether by passing this Bill into an Act there would be any necessity for the Centre to spend money from the Consolidated Fund of India.

I submit, Sir, if this Act has to be given effect to by the various States and by the Centre, it becomes imperative that the States and the Centre will have to spend money and, therefore, it attracts the particular provision of the Constitution. I would not have raised this point had it not been....

Mr. Speaker: Does the hon. Member mean to suggest that ordinary courts do not have jurisdiction under this Act and special courts are involved in dealing with questions arising out of this Act? That is not the case. The ordinary courts have jurisdiction under this Act. Therefore, instead of trying one case they will try these cases, that is all.

Shri V. P. Nayar: We may not have any need to spend money on magistracy, but that is not the point. If thousands of people are kept in jails, if thousands of people are arrested under this Act and kept in jails that will entail some expenditure. This is a special law for a certain time; this is not a general penal statute for which provision has already been made.

Mr. Speaker: Therefore, a new offence is created now. The ordinary law has been there. If it is added to the Penal Code the ordinary courts must try such offences and it will involve expenditure because there will be some more criminals.

Shri V. P. Nayar: This is not an ordinary law. This is being brought for a special emergency. In the Statement of Objects and Reasons it is very specifically stated that this is being brought in order to meet a particular situation which is said to be a very serious one. Therefore, this is not an ordinary penal law, and it will not exist as long as the Penal Code exists. This is only a temporary measure. It involves an extra expenditure which is not anticipated in any Budget. If the States spend any amount for putting into effect a law promulgated by the Centre then the Centre has a duty to reimburse the States for all that they have spent. Therefore, this particular provision has not been complied with, and unless the President's recommendation is attached to the Bill, I submit, we cannot pass on to the consideration stage.

Mr. Speaker: The hon. Minister.

The Minister of Home Affairs (Pandit G. B. Pant): May I move my motion?

Mr. Speaker: He may reply to the Point of order.

Pandit G. B. Pant: Does it call for a reply?

Mr. Speaker: I do not agree that there is any point of order so far as this matter is concerned In the normal course there are offences and offences made from time to time Merely because there is a new offence made there is no new court that is established That is one thing Therefore, on that ground there is no additional expenditure Some more persons will be sent to jail, no doubt, but, for that purpose are we going to do this in the normal course? Whoever is an offender, whoever has committed an offence or illegal acts, has to be put into jail There is a general provision for that If some more money is wanted that will come by way of Excess Grants Therefore, no special provision is necessary There is a general provision for expenditure on persons sent to jails If a number of people become dacoits in the country, naturally, more people will be put in jails and something more will have to be spent suddenly and unexpectedly Are we going to come here for every such expenditure? All such things will come by way of Excess Grants Hon Members will have an opportunity then to discuss things I do not agree that this comes under the provision of article 117(3) even indirectly or remotely

Shri Narayanankutty Menon: There is another point of order

Shri Sadhan Gupta (Calcutta-East) Sir, I also rise on a point of order

Mr. Speaker: All right, let us hear Shri Sadhan Gupta

Shri Sadhan Gupta: I submit that this Bill, as it affects a wide range of employees—it affects nearly 20 lakh employees employed by Central Government in various States, including Railways as well as

Mr. Speaker: What is the point of order?

Shri Sadhan Gupta: The point of order is that the Bill does not comply with rule 69 under which a Financial Memorandum is required. I will put my point briefly.

Mr. Speaker: That is what exactly Shri V P. Nayar has said.

Shri Sadhan Gupta: No, Sir, Shri V P Nayar said that it involves expenditure from the Consolidated Funds of India That may not be so. My submission is that here, whether it involves expenditure from the Consolidated Fund br not, it certainly involves expenditure of public funds Rule 69 does not refer to expenditure from the Consolidated Fund of India, it is enough that there is expenditure of public funds involved and, therefore, if that is involved in any way rule 69 would be attracted

Here, provision is being made for penalising about two million Central Government employees, and by the residuary powers in clause 7, under which any and every service, any and every occupation under the sun may be declared an essential service, no one knows how many others may be roped in, it may be 50 lakhs, 60 lakhs or the whole body of the working class of India Under these circumstances, *prima facie* a large amount of expenditure of public funds would be involved by way of keeping them in prison For example

Mr Speaker I have heard the point The hon Member has drawn my attention

Shri Sadhan Gupta: in prosecution

Mr. Speaker. Order, order He will resume his seat

He has referred to rule 69 which provides for the need, or for making it obligatory, to attach a financial statement, wherever there is a commitment that some money will be expended under the provisions of the Act Well, if the provisions of the Act make a particular act illegal every man who is in this country or under any Government is expected to obey the Act If, in carrying it

out, notwithstanding the fact that an ordinary citizen legally does his duty normally, every normal citizen complies with the law, and then, no financial commitment will arise at all. Are we to assume that every man will go against it, presume that he will disobey or discourage it and might even come to jail.

Under the circumstances, the financial statement applies in cases where under the law there is a need, irrespective of another man breaking the law. In the normal execution of the law, the Government may require or commit some expenditure. It is not as if I am going to make a law and I expect 20,000 people to go to jail and that therefore I should make a provision Why not it, be two lakhs? Therefore, this rule does not apply. There is no meaning in this argument. Let there be no obstruction (*Interruptions*). The hon. Members may kindly, one after the other, make their points. I shall consider every one of them.

Shri Narayanankutty Menon: My point of order is under rule 70. Rule 70 provides that if a Bill which is introduced in this House involves any delegated legislation, there should be a statement attached along with the Bill saying the extent and the powers that are given under the delegated legislation Clause 3 of the Bill authorises the Government to issue a notification about selected industries in which strikes are to be declared illegal. Also, it may notify that a particular strike in an industry is declared as illegal

Under article 13 of the Constitution, notification also includes any law and the specific law-making power is given to the Government in this Bill.

As per rule 70, the Bill cannot be taken into consideration unless the Bill contains a statement by the hon. Home Minister who has moved the Bill, showing the extent of the delegated power and also the nature of the application of the power.

Mr. Speaker: The hon. Minister may reply. I will reserve my judgment. At this stage, I can say that this is not fundamental. Anyhow, let me hear both sides. The hon. Minister.

Pandit G. B. Pant: This Bill is only an enabling measure. In fact, there is only one provision in the Bill which provides for the issue of a notification when any strike is apprehended in a public utility service or is likely to cause grave hardship to the community Then a notification may issue in regard to that strike. That is the only provision in the Bill and such notification is to be placed on the Table of the House, within a certain time. There is no question of any delegation in it, of any power or any authority

Mr. Speaker: He refers to caluse 2, sub-clause (vii):

> "any service which the Central Government, being of opinion that strikes therein would prejudicially affect the maintenance of any public utility .by notification in the Official Gazette, declare to be an essential service for the purposes of this Act;"

Therefore, any other item can be included. So, what are the categories?

Pandit G. B. Pant: Yes; that is clause 2, sub-clause (vii). That is what I was referring to:

> "any service which the Central Government, being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service or would result in the infliction or grave hardship on the community may, by notification in the Official Gazette, declare to be an essential service for the purposes of this Act;

So, under this clause, the Government can issue a notification and that

[Pandit G. B. Pant]

notification, under sub-clause (2) has to be placed on the Table of each House of Parliament "as soon as may be after it is made, and shall cease to operate at the expiration of forty days from the re-assembly of Parliament unless before the expiration of that period, a resolution approving of the issue of the notification is passed by both Houses of Parliament" Whatever is being done, has ultimately to be approved by Parliament No notification can have the force of law or can be regarded as valid unless it is placed on the Tables of both Houses of Parliament soon after the assembly of either House and unless it is approved by the Parliament So, there is no question of any delegation in it No rules are being framed

Shri Narayanankutty Menon: The hon Minister has just now stated that there is a liability on the part of the Government to lay on the Tables of both Houses of Parliament a copy of the notification That is the exact procedure for delegated legislation If any power is given to issue a notification specifying a particular industry or a particular strike, that is the real instance of delegated legislation and the Government is given power It is not specified in the Bill but is to be exercised by this clause

The Minister of Finance (Shri T. T. Krishnamachari): May I say a few words on this matter? The position in regard to this particular measure and the extent of power that the legislature delegates do not fit in on all fours with other pieces of legislation that we place before this House where we seek to take power by the rule-making powers which are exercised for the purpose of enlarging the scope of the legislation under contemplation There, we have to change the rule from time to time, and we place before this House the rules that have been changed from time to time If the House does not approve of the change, we have to act in accordance with the wishes of the House

In this particular case, we have avoided any contingency of that nature by enumerating in clause 2 (1) (a) (i) to (vi) practically everything that we can possibly think of in regard to the application of the provisions of this Bill. Sub-clause (vii) is a residuary clause which is contingent on certain new factors coming into being about which nobody can now say what these would be. If my hon. friend opposite says there is a particular union which has a membership of 20 in a particular office, that will also be covered by means of this legislation,—that will go on strike and completely paralyse the working of that particular organisation Maybe we can make a provision in so many words in the body of the Bill, but today, an explanatory memorandum such as the one that rule 70 requires is a thing which is beyond the competence of the Government to produce, because we do not know what we are going to be asked upon to do under the powers that might by vested in us by sub-clause (vii) So I would humbly submit that the question of delegated legislation, in so far as this Bill is concerned, has to be looked at from a different point of view, and we have tried to avoid the use of delegated powers to the extent that is humanly possible by enumerating all the possible contingencies under which this legislation which we are now seeking to arm ourselves with will be used

Shri Nath Pai (Rajapur): On a point of clarification, in respect of the explanation now given to us by the Home Minister and the Finance Minister, I do not think that there has been a satisfactory explanation on two requisites of this section. There must be a memorandum governing the provisions and the scope must be specifically clarified Unless the two are there, I think we are being deprived of our powers

Pandit Thakur Das Bhargava (Hissar): May I submit a word? In this Bill, we do not find any provision

like the one which we usually find for rule-making. When there is no rule-making provision, I fail to see wherein the question of delegated legislation comes in. There is absolutely nothing like that in this Bill Unless there is a rule-making power, I do not think we can say that there is any occasion for delegated legislation

Shri Sadhan Gupta: First of all, regarding the objection of Pandit Thakur Das Bhargava, only we do not call it a rule; we call it a notification. By notification, what the Government is empowered to do, is to select industries to which all this law is applicable The law is not applied now, the Government may bring them within the ambit of the law and it is practically a legislation for those industries Therefore, there is no point in saying that it is delegated law-making for a particular section of the industries and it comes within the ambit of rule 70

Regarding your observation that it is in any case not fundamental, we would submit that it cannot be regarded as a technical requirement at least in this case Here this residuary power by itself could attract the whole body of working classes, of not only working classes, but labourers and clerks, maybe in other sections also Under those circumstances, it is absolutely essential for us to know, unless we are prepared to accept sheepishly what the Government directs us, it is absolutely essential for us to know, in what kind of way this power is going to be exercised, and accordingly, we must decide whether to grant this wide power to the Government or not. Unless the Government gives us a memorandum showing their intentions and what is likely to happen, we are not in a position to form our judgment at all in regard to this residuary power Therefore, the memorandum under rule 70 is absolutely essential, absolutely fundamental and not a technical requirement. It is not a technical requirement perhaps in any legislation or in most of the legislations; in a legislation of this kind, it is certainly not a technical requirement.

Shri Joachim Alva (Kanara): Give me a minute, Sir.

Mr. Speaker: Is the hon Member a lawyer? I think, not.

Shri Joachim Alva: The opposition has brought a procession of objections First we started with the hon. Member, Mr Bharucha, my lawyer friend from Bombay. (*Interruptions*). He quoted rule 72 of the Rules of Procedure and said, this is outside the competence of the House. You were good enough to allow a free and frank discussion on that point and ruled that it is within the competence of this House. Now they have brought rules 69 and 70 of the Rules of Procedure and you have ruled that those objections cannot hold water and that they cannot hold ground Yet, one by one, every rule is being paraded one after another. They cannot hold water

Shri Nath Pai: He is trying to usurp your powers by giving rulings.

Mr. Speaker: Hon. Members will be a little more serious I am showing a lot of indulgence All the same, we should address ourselves with seriousness.

Sardar Hukam Singh (Bhatinda). Just now Mr Sadhan Gupta said that we may not give the name of rules, but at the same we are authorising the Government to issue a notification But there is some distinction to be made We are giving power to the Government to issue a notification, the point is whether that notification is to make certain laws, rules and regulations We may not be working out the details just now; we might be leaving it to the Government and they might do it; then that might be brought before Parliament. Mr Sadhan Gupta remarked that that notification would be a law in itself. It is not so The law we are making just now is complete and exhaustive. Notification has to be made about a particular industry; not that the Gov-

[Sardar Hukam Singh]

ernment would make at that time a rule or regulation, but this law would apply to that industry This is the root purpose for which that notification is made Government is not only authorised under this law to work out details or issue notifications, orders and rules

Shri Naushir Bharucha (East Khandesh) See article 13, the definition of law includes notifications

Sardar Hukam Singh: Mr Sadhan Gupta remarked that it will be a law that we are authorising the Government to make That is not so. (*Interruption*)

Mr. Speaker: The hon Deputy Speaker knows the law as much as the hon Member

Sardar Hukam Singh: I do not claim that much But I have only to say that by this Bill, this House is not giving anything to the Government to make up what we are omitting here The law is being made completely and exhaustively The notification is only to be made about the industry to which this law, complete in itself, would apply Nothing is to be done beyond that by the executive Therefore, this would not be a delegated legislation, but only power to choose the industry that the circumstances might require, to which this law would apply, which we will be passing today

Mr. Speaker: I have neard enough on this point that a memorandum has to be submitted along with this under rule 70, inasmuch as sub-clause (vii) of clause 2(1)(a) authorises the Central Government to issue a notification, bringing within the ambit of this Bill any service as an essential service Mr Krishnamachari has pointed out that it is not possible now at this juncture to visualise what might be the services which are likely to be brought within the purview of this measure All others which are under the contemplation of the Government, with respect to which there is apprehension, which in their own opinion are essential services, have been included in this Bill I have not heard any hon Member on this side say what other services may be included here and now Possibly if that information is given, the hon Minister may include them also. Therefore, in the absence of any such suggestion that there is any other essential service known to the Government, now what is it with respect to which we are delegating power If there is delegated legislation with respect to a matter where something more has to be done, when those things are specific, they are certainly to be included in a memorandum That is, with open eyes, this House will be called upon to delegate power and to some extent, unless it is prescribed in detail, there might be excesses in the exercise of the jurisdiction, they might go beyond that They may also introduce something else It is for that purpose that a memorandum is submitted Those are cases where it is possible to visualise what the executive will be called upon to do under that Act, and instead of going into details, the details are entrusted to the executive and in the exercise of that power they might commit excesses

Now, it is not possible to say what exactly are the essential services It is contingent Times may change and a service may become essential Under those circumstances, I consider that rule 70 does not apply to this case It is not possible to have a memorandum, but all the same, there is delegation of power under this Bill Therefore, I will put this clause separately There may be amendments that this may be omitted The House is entitled to throw it away and say that such a power ought not to be given, this ought not to be allowed It is open to the House to say so Therefore, there is absolutely no objection on the ground that a memorandum has not been attached, because rule 70 does not apply to this We do not know what exactly the

fuel (Sardar Swaran Singh) power is, which power is to be restricted before it is sanctioned to the executive.

So far as the notification is concerned, even there, I do not fully agree It is not my final statement; I am not called upon to make a final statement The one observation I made is enough to overrule the point of order So far as the notification is concerned, making a rule or regulation adding to the list is concerned, we have passed similar legislation, regarding industries with respect to which various minimum wages have to be fixed We have prepared a schedule and given the power to Government to add to the number of industries It is never said that we must have a memorandum there with respect to industry after industry It is an executive act purely There is no question of regulation there It is for the Government to decide whether this industry also comes within its purview or not It is not a purely legislative act Of course, a legislative act and an executive act, both of them involve particular decisions A legislative decision is different from an executive decision I therefore feel that even that argument that the word notification is included in article 13 of the Constitution does not apply to a notification of this kind I do not want to make a final observation in regard to this My other observation is enough the observation that I have already made regarding rule 70 that it does not apply There is no point of order The hon Minister will proceed

Shri H. N. Mukerjee: (Calcutta—Central) May I make one submission

Mr. Speaker: No. I am not going to allow Hon Members will note, after I have given my ruling, it is not open to any hon. Member to ask me once again to review it. There is no need for this I have given sufficient indulgence I am not going to hear The hon Minister may proceed

Pandit G. B. Pant: I beg to move:

> "That the Bill to provide for the maintenance of certain essential services and the normal life of the community be taken into consideration"

I do so with a sense of real regret I wish the occasion for my making such a motion had not arisen An emergency by itself is an indication of some sort of disturbance in the normal life of the country I am sorry that any occasion for any emergency legislation should have arisen

Apart from that, in this particular case some differences between the Government and its own servants have resulted in our introducing this Bill That makes me still more sad No one I would venture to state, is interested in the welfare and contentment of public servants more than Government When others advocate their cause and we are unable to give full satisfaction to our own people who are members with us of a common family, engaged in a common undertaking, it does not give us any pleasure We do not like whether it be a step-father or step-brother to claim those who are intimately associated with us as their own sons or brothers We would very much like the relations between them and us to be absolutely natural. In these circumstances, I am really somewhat disturbed over the developments that have taken place during the last few weeks

As hon Members are aware, a spate of notices was served on Government by various service organisations So far as I have been able to study the situation, all these notices, or most of them, have been served on the initiative and perhaps on the instigation of the Confederation of Central services The notices, more or less make similar demands So, there is a common source But, I will not deal with that at this stage, I may have a word to say about it later.

[Pandit G. B. Pant]

After these notices had been served, every effort was made by the Government, by its responsible officers, by the Ministers concerned, by the Labour Minister and ultimately the Prime Minister himself tried to give all possible satisfaction that, in the circumstances he could, going to the maximum extent possible, in order to relieve the mounting tension. But, other forces were at work and even he did not prove as effective as one would have every reason to expect. So, this stage has arisen.

We had occasion here to listen to the statements that were read out by the hon. Minister. The P. & T. strike has attracted considerable attention. The Minister of Transport and Communications had occasion to state the position fully on the floor of the House. He has himself conducted negotiations, if negotiations they are to be called, with the representatives of the services. Still, in spite of all that, they persist in adhering to their demands.

All minor demands were accepted and settled by him. So far as the major and principal demand regarding Pay Commission was concerned, Government accepted that too. The Commission's terms of reference have already been announced. Government had hoped that after the principal demand had been accepted, there would be no further attempt to paralyse the normal life of the community. Their hopes have not materialised. In these circumstances, it becomes necessary to examine the position and see what safeguard are necessary in order to maintain the essential services, to save the public, social and even private life of individual citizens from being paralysed. When all efforts fail, Government have to have recourse to measures which become essential in the interests of the peace and progress of the country.

We all wish that we should do all that is possible for the public services. But, there is a duty which is supreme, which overrides everything else, that the normal life of the community should not be upset, and that in a country like ours, which has been under-developed and which is today engaged in the big undertaking for the development of the country for raising the standard of those who have not at present the minimum of the amenities needed for a reasonable and decent standard of life, this undertaking should be carried on peacefully, vigorously, without any disturbance and without any interruption. I may submit that the Government had expected that after all that has been done and the Pay Commission had been appointed, there would be no further insistence on what appears to be, and about which there can be no doubt, a wrong and to some extent a suicidal course.

The demand that some sort of interim relief should be granted at once really begs the question. It is a very complicated affair. I do not want to prejudice in any way the investigations or the conclusions that the Pay Commission or the Inquiry Commission may reach, but I venture to say that this question about the immediate grant of interim relief is an extremely complicated one. If it were possible to reach decisions in regard to this, it would perhaps have been possible to avoid the appointment of even a Pay Commission.

The facts are before us. The outstanding features of the present economy and of our social life are known to every Member of this House. There is no doubt that there has been a certain rise in prices. It has, however, to be considered whether we can really ensure any substantial relief by granting any increase in terms of money. The rise in prices indicates that the volume of goods that we have at present being more or less inelastic, the supply of funds and of additional currency is likely to accentuate the situation and not lead to any improvement in it. We have

succeeded in raising production to some extent during the last five or six years, but the very fact that efforts have been made to implement new schemes has also necessitated the increase in the purchasing power in general of a large proportion of the mass of the people.

The country is engaged in the task of reconstruction. When it is engaged in the task of reconstruction, it has to give an important place, and perhaps priority to a large extent to heavy industries, machines and tools and other like things, which will enable the country to produce consumer goods in an adequate quantity within the country itself. But all these efforts do involve certain expenditure. That expenditure is not at the same time matched by an equal proportional or progressive increase in consumer goods. So, we are faced with a situation in which if more money flows in, and there is still greater competition among people who have purchasing power to acquire goods that may be available, then the prices will rise still higher, with the result that we will all be entangled in a vicious circle which will go on enlarging This spiral will become more and more formidable unless we take appropriate steps and examine every proposition in a responsible and dispassionate way. So, that is the position.

This has to be admitted that our resources are practically mortgaged for the implementation of the Plan. The cost of the Plan has gone up because of the rise in prices. If more of purchasing power is released for non-productive purposes, then the disparity between the two, that is the purchasing power on the one side and the availability of consumer goods on the other, will be widened further with the result that the two will never come closer and the gap will not be bridged.

In the circumstances, we have to consider whether it would be desirable to give immediate relief without examining the question which is a very complicated sort of problem. I do not say, I do not rule out the possibility of those who may have the opportunity and the occasion of examining these questions reaching a decision which may induce the Government to grant some relief, but as it is, whatever relief may be granted would be illusory. It would not, in fact, ensure any increase in real wages. It would, on the other hand, push up the prices and make production more difficult, with the result that even whatever progressive increase we are having today in consumer goods will be halted and the prices will be driven still further. So, what will be the advantage of it? On that I do not pronounce any opinion, but what I am saying is that all these matters have to be considered Thought has o be given to them.

I do not question the sincerity of the Government servants who feel that they deserve some sort of relief. I would be glad to give them real relief. In fact, in my own way, so far as the low-paid servants are concerned, some attempts have been made in order to give them some relief. For example, the distinction between the Class III and Class IV servants with regard to leave, with regard to pension and with regard to other similar allowances and ancillary matters has been removed. The starting pay of certain people who, according to their original scale before the Pay Commission gave its report, were getting Rs. 60 and are now getting only Rs. 55 has been raised so that they may get what they had been receiving before. Similarly, other measures have been taken.

It must also be remembered that when all this money is used for the development of the country for opening up more roads, for having more schools, for having more hospitals, then Government servants, as members of the public, have the benefit of these steps that are taken by the Government for providing facilities to the citizen. If development efforts are made, if money is spent on them,

[Pandit G. B. Pant]

then whatever improvement takes place by virtue of such activities also enures to the benefit of Government servants

So, while there has been a rise in production, that money has been used for raising the productive capacity of the country We have also to remember that every section of the community is being asked today to make some sacrifices Can we not expect a similar sort of generous approach and attitude from the public servants themselves? As hon Members are aware, while the Planning Commission had calculated that for carrying out the schemes embodied in the Plan, an annual taxation of Rs 15 crores would perhaps be adequate, this year alone, taxation to the tune of about Rs 100 crores has had to be raised We have been mopping money, wherever there is any possibility of doing so, and in the process, inevitably, burdens are being raised on sundry and many

13 hrs

Similarly, we know that there is no further room for taxation Then, what is to be done? There is no money flowing which can even be obtained by way of loans So, the resources are inelastic The maximum that could be done has been done Now, if any further expenditure is incurred, not on directly developmental objects, but on carrying on the administration in the country, it will create further difficulties It will accentuate the imbalance that exists today So, necessarily, it will lead to one inevitable result, what is generally called deficit financing That is, there will again be an addition to the monetary volume that is available in the country without any commensurate and corresponding increase in consumer goods So, the demand will further increase, supply will not be available, and the prices will rise This resort to deficit financing has obviously its limitations, and the Finance Minister has gone for it to the maximum extent that he reasonably could

Hon Members are aware that we have got other difficulties also. Additional expenditure has to be incurred in order to keep the country well equipped to meet any situation The defence expenditure has to be incurred There is no question of any option in that matter Here, we have to do all that is necessary in order that the safety of the country may be ensured in a perfectly invulnerable manner So, that expenditure too has to be incurred

In the circumstances, I submit: Would it really give any relief to the public servants even if we were to grant any, until the whole question has been fully examined? I do not claim that the facts that I have placed before the House, about the correctness of which, I hope, there will be no doubt should lead necessarily to one inference, perhaps, after further study of the question economists, statisticians and others may find it possible to suggest some alternative, but as it is, will it be of help to anybody? But apart from that, would Government be justified, while appointing a Pay Commission, and while faced with all the problems and facts and figures in granting anything by way of an immediate relief? Would that be proper for them? Could Government be forgiven for taking such a step?

So, in the circumstances I think the Government did what it could not help doing Any other course would have been altogether erratic and improper So, I am sorry that the person interested in these strikes should have considered it necessary or advisable or profitable, or whatever it may be, to maintain this atmosphere of turmoil and tension in the country

We have about 17 lakhs of civil servants in the Centre Of these 17 lakhs, 9·4 lakhs get pay less than Rs. 51 *per mensem*, 4·62 lakhs get between

Rs. 101 and Rs. 250, 29,101 get between Rs. 251 and Rs. 500, and above Rs. 500, there are about 10,000, and above Rs. 1,000, there are 2,341.

Has anyone any idea as to the minimum salary that should be given to a public servant, and what that minimum is going to be and what would be the amount needed for meeting the demands that would accrue as a result of the minimum that may be accepted? If you raise the salary, for example, of persons who are getting less than Rs. 51, to Rs. 100, the amount needed would be roughly, I think, Rs. 45 crores. If you raise the salary of those who are getting between Rs. 51 and Rs. 100, perhaps, the cost would be about Rs. 46 crores. One may say, and the argument has often been advanced, without examining its potentialities and the consequences that will follow from such a step, that the salary of the higher-paid people should be reduced. Several steps in that direction have already been taken. The Government of India does not now, but for exceptional reasons, grant to anyone more than Rs 3,000 in the Administrative Services. The highest salary in the time-scale that a member of the I A S. can now get comes to no more than Rs 1,800. Then, if you deduct the income-tax and all other taxes, perhaps, it will be lesser. You cut it down as much as you like. But how much would you gain thereby and how far would that be able to meet the demands of the low-paid staff or of those who are getting salaries, say, even below Rs. 250 or Rs. 500. What proportion of their salary would you like to raise? And for that, how much money would you need?

If you cut down the salary of everyone who is getting more than Rs. 1,000, you would not be able to add more than a rupee, perhaps, to the salary of those who are below. If you give one rupee additional to a Government servant, under the Central Government, then the amout to be paid in a year would come to about Rs. 2 crores. If you give an increase in a graded way, so that everyone gets, say, roughly, Rs. 25 in a month then the amount would be Rs. 52 crores.

So, all these things have to be looked into. I do not rule out anything It is for this House to decide. But questions like these should be considered in a dispassionate spirit, and we should try to examine them with a determination to find a solution. There is no desire to shirk the problems or in any way to adopt an attitude which will be not to our liking, nor to the advantage of our public servants So I would like these matters to be considered in a proper spirit.

Then we have to take into account certain other factors too. We have public servants not only here at the Centre but also in the States and in local bodies also. Essential services have to be performed by the employees in all of them, here at the Centre, there in the States and lower down in the local areas. So we have to see how any step that we take will react on the other sections of public servants Suppose you grant some relief immediately to the Central servants I think it has to be admitted that their scales of salaries are higher, perhaps in some cases much higher, than what the employees in the States get from their respective governments, and the latter are, I think, in many cases much higher than the scales of salaries which the municipalities, district boards or other local bodies today can possibly provide. If you grant relief immediately here, how will it react on the employees in the States? Will they not feel that while those who had more had been given more, they who had less had been left in the lurch. Would it be equity, would it be justice, would it be regard and solicitude for the weaker sections of the community?

If we have to find a solution, then we must see that the solution does

[Pandit G. B. Pant]

not create new problems. If it creates new problems, then it is not a solution. So that aspect too has to be considered.

Then again, it is not only the services who are engaged under the Governments. The salary rates also affect other employees. I venture to think sometimes that even those who are engaged in subordinate ranks or even in inferior services here, when they go to their villages, occupy there a very prominent position. They are respected there They are better than the people in whose midst they live, and their children are perhaps better educated.

We have to remember one thing, and I would venture to refer to that aspect of this matter too. While we were under the regime of the foreigner and the country was under alien rule, the servants appointed by the Government were not regarded as servants whether by them or by their employees. They were the masters and the people of the country were to be regarded as the people who had to administer to their needs, in an ample measure.

Now we are a free country Still those dubious traits linger in some cases All public servants do not still feel that the public is the master and the servants are really servants. It is really my feeling—and I have expressed it more than once—that if the relationship of master and servant were really fully realised by those who are today administering the affairs of the country, then many of our troubles would be over...

EXTENSION OF TIME FOR ELECTION TO COMMITTEES

Mr. Speaker: I have to make an announcement. It has been announced that the election to the two Committees, the Indian Central Arecanut Committee and the Indian Lac Cess Committee should be concluded by 13·30 hours today As the hon Home Minister will take some more time, hon Members would like to hear him and as there are barely 15 minutes left, I extend the time for election to these two Committees to 16·00 hours today

The hon Minister may continue.

ESSENTIAL SERVICES MAINTENANCE BILL—*contd.*

Pandit G. B. Pant: Ordinarily, I think a servant does not aspire for a post better than that of the master. If I appoint a servant, then the servant thinks that my circumstances, my comforts and my amenities have to be better than his, otherwise, he would be my master and I would be his servant. But often we forget that the master, the community whom we have to serve, has many handicaps. Its standard of living is very low. Go to the villages and you will find that the average earning in a year does not come to more than Rs. 200.

The paying capacity of the master must be taken into account by the servant The servant may not get all that he desires—I wish everyone could have everything that he wishes. So the condition of the master has to be taken into account It is much more so when the servant is appointed to serve the public, not a private individual The public is entitled to the service of every employee who is appointed by Government and it can well claim that in determining the emoluments, its own condition should also be taken into account So we have to look at these questions from all these aspects and then to see what we can do.

There is another aspect which has to be borne in mind. The way that will lead to the solution of our problems will be found in increasing productivity, not only productivity in a cumulative way but the *per capita* capacity to produce of every individul. I do not quite know if really the public ser-

vants who are in charge of the affairs of the country today are in every case more efficient than their predecessors, whether their *per capita* capacity and output are better than they were previously. If not, one has to spend more on the functions which would have been rendered at lesser cost if they could devote themselves to their task more fully.

This question is also related to the efficiency and to the willingness and to the devotion of public servants to the public good. All these things have to be borne in mind. So my request would be that we should not be carried away by feelings of sentiment in matter of this type.

So far as genuine sympathy goes, I claim that no one can have greater and more sympathy for public servants than the Government, whose success depends on the efficiency and devotion and loyalty of public servants. It would go to the farthest length possible, but the magnitude of the generosity that it can show is necessarily determined by the conditions and circumstances which affect the vast mass of the people living in the country. Their interests cannot be ignored.

I may also say that there is no desire on the part of Government to cause any wrong to anybody. Even the Bill that I placed before the House has been framed with extreme caution. It does not make any strike by itself unlawful. Unless even in respect to essential services, a strike is declared unlawful, a strike by itself will not be unlawful. In enumerating the essential services, nobody can possibly say that the services that have been specified there are not essential. Further, care has been taken not to declare strikes by these services as *per se* unlawful. Unless declared as such, a strike would not be unlawful. It might be argued that we are interfering with the right to strike. Well, every right is subject to limitations. I know of a right to work, to raise the status and the standard of every citizen and of the entire country. But I do not know if there is a fundamental right to upset the normal life of the people of the country. (*Interruption.*)

After all, those who are appointed to render essential service are the trustees of the people. They are not there simply as mercenaries; they are not appointed simply because they have to be paid. They are there because they are citizens of the country and they have the privilege to serve their people by rendering these essential services. Are we to treat them as hirelings? Are we to treat them as mercenaries who do their work merely because they get some money and if they do not get it will drive this country to rack and ruin? I am not prepared to accept that. I think that is not the true reflection of their inner souls.

We must also know that there is tremendous unemployment in this country. For every post, you get hundreds and thousands of applications. Government servants need everyone's sympathy and support. I would like to extend to them every help that I reasonably can. But they must have some sympathy and those who claim that they have a special regard for the underdog and for the unemployed, they must realise that these millions who are today starving and going about because they cannot get even the minimum pittance deserve better sympathies than anybody else. If that is so.. (*Interruptions.*) I do not know what is wrong about what I said. If there are gentlemen on the other side who have any sympathy with them.. (*Interruptions.*)

I have already taken much time, longer than I had intended. But I would say that you should also bear in mind that you have to give relief to the millions of unemployed in this country and if you give high salaries or if you raise the salaries of any of the large number of employees in the country—the number would come to some millions—then the chances of providing additional employment for

[Pandit G. B. Pant]

the unemployed is to that extent reduced, because the resources are limited. (*Interruptions.*)

Mr. Speaker: Order, order.

Pandit G. B. Pant: I think I have tried to deal with this matter in a very dispassionate way and I have done so.

It is said—and I think there is ample ground for holding that view—that the motive of those who are or who have been engineering these strikes is not altogether economic. (*Interruption*).

Mr. Speaker: Order, order.

Pandit G. B. Pant: I did not mention anybody.

Mr. Speaker: Let hon. Members not take everything to themselves.

Pandit G. B. Pant: In 1953, the World Federation of Trade Unions decided to have wing of public servants. After that, the Fractional Committee of the Communist Party, on the 17th February, 1956, decided to set up this confederation and a committee was appointed to make preparations for that purpose. This confederation, thereafter, took various steps. In fact, it really did everything it could to prepare the country for a general strike, not for a strike in any particular service but, if possible, in all services and then....

Shri Sadhan Gupta: On a point of order, Sir.

Mr. Speaker: Order, order; he may reserve it to the end. So far as the point of order is concerned, I will allow it later on. Let the Minister conclude his speech.

Shri Sadhan Gupta: There is a very thrilling point, Sir. How a Fractional Committee of the Communist Party, which does not exist, had set up this confederation? I expect that the Minister is not making an irresponsible statement. If he is not making an irresponsible statement, he owes a duty to this House to lay on the Table the document or the papers to show how this is so. Of course, if he wants to go away with an irresponsible statement, we cannot allow it.

Mr. Speaker: Order, order. There is no point of order about it. The hon. Member must have read the rules. If the hon. Minister refers to any particular paper as giving him that information, I would ask him to lay it on the Table. That is not the only source so far as the Home Minister is concerned. Otherwise, he cannot be the Home Minister. There are various sources. There is no point of order in this It is open to hon. Members to deny it. I will give them an opportunity

Shri H. N. Mukerjee: If it is a statement of fact, it is presumably based also on certain material. That material is presumably consistent with what the hon. Member says and in accordance with the practice of this House, the Minister, howsoever important he might imagine himself to be, must lay on the Table of the House—the documents on which he relies.

Mr. Speaker: It is not as if he is reading out a document, in which case I would ask him to place it on the Table. But the hon. Home Minister will certainly get information through persons who are in his confidence. If he reads any papers I can ask him to place it on the Table It is open to him to read or not. (*Interruption.*)

Pandit G. B. Pant: I have made a statement about the correctness of which I have no doubt. I would not have—howsoever important I or anyone else be—made any statement here without being certain about its correctness. But the test of the pudding lies in its eating If the Communist Party is not interested in the confederation and if they are not interested in these strikes, I shall welcome any assurance from that side. Let them say they have nothing to do with these or they had never any association with these. (*Interruption*).

Mr. Speaker: Order, order.

Pandit G. B. Pant: I will take their word for it and I will accept, whatever might have been the past, that now they have outlived it.

Now, so far as this goes, I have only to submit that this is a very important matter We have taken due precaution to say that this is an emergency measure and it is to last for only one year and no action is to be taken under it unless a further order has been passed In the circumstances, I hope the hon Members will unanimously support the motion that I have made

Mr. Speaker: Motion moved·

> "That the Bill to provide for the maintenance of certain essential services and the normal life of the Community be taken into consideration"

A number of amendments to this have been tabled Some of the amendments are for circulating it for the purpose of eliciting public opinion thereon by various dates One of them mentions 4th August Unfortunately 4th August has passed.

An. Hon. Member: 4th August, 1958

Mr. Speaker: All right Another set of amendments is for reference to Select Committee Under the rules, it is competent for me to select any of the amendments and place it before the House So far as circulation motion is concerned, I select Shri Nayar's motion—No 12 which wants it to be circulated by the 30th August, 1957 So far as the Select Committee motion is concerned, there are two amendments. One is by Shri Narayanankutty Menon who wants a report by 30th August 1957 and the other is by Shri Assar who has put the date as 15th August, 1957. I select No 454, the amendment of Shri Assar Shri Assar wants the Bill to be referred to a Select Committee consisting of Pandit Thakur Das Bhargava, Shri Naushir Bharucha and six others....

Pandit Thakur Das Bhargava: Sir, you have been pleased to read out my name The rule is that hon. Members can give names only after consulting those Members As far as I am concerned, I am against sending this Bill to the Select Committee Ordinarily, I like every Bill to be sent to the Select Committee but on this Select Committee I am not willing to serve as I do not think there is any need for sending this Bill to the Select Committee

Shrimati Renu Chakravartty (Basirhat)· Shri Narayanankutty Menon is not m the House and his name should not be mentioned with this

Mr. Speaker: At that stage let us see I will strike out all the names of Members who do not like to be on the Select Committee

Shri Frank Anthony (Nominated—Anglo-Indian)· I would request you to consider my amendment I have asked for a Select Committee to report by the 7th instant Government may be disposed to accept that after hearing me because the strike notice ends on the 8th This may be acceptable from the Government point of view.

Mr. Speaker: The hon Member has not given the names.

Shri Frank Anthony: I would give them at the time of making the motion

Mr. Speaker: All right I have allowed the 15th 7th also may be one

Shri Tangamani (Madurai): On a point · of information. The strike notice does not end on the 7th. It is valid till the end of August They have fixed a particular day as 8th. The notice is valid till the end of August.

Mr. Speaker: It is true but they can strike on the 8th.

Shri V. P. Nayar: Sir, I beg to move:

That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th August, 1957.

Shri Assar (Ratnagiri): I beg to move:

That the Bill be referred to a Select Committee consisting of Pandit Thakur Das Bhargava, Shri Naushir Bharucha, Shri Narayan Ganesh Goray, Shri Atal Bihari Vajpayee, Shri B. C. Kamble, Shri Asoke K. Sen, Shri Govind Ballabh Pant, the Mover, with instructions to report by the 15th August, 1957.

Shri Frank Anthony: Sir, I beg to move:

That the Bill be referred to a Select Committee consisting of Pandit Thakur Das Bhargava, Shri N. G Ranga, Shri Shripad Amirt Dange, Shri Hem Barua, Shri M. R Masani, Shri Jaipal Singh, Shri Naushir Bharucha, Shri Bhaurao Krishnarao Gaikwad, Shri Lal Bahadur Shastri, Shri Govind Ballabh Pant, and the Mover with instructions to report by the 7th August, 1957.

Mr. Speaker: These amendments are before the House.

Shri S. A. Dange (Bombay City—Central): Sir, I have to oppose the Bill in spite of the regret expressed by the Home Minister in introducing the Bill. If a matter is regrettable, it should, I think, be dropped. But it is a strange procedure that the Government regrets a thing and yet goes on doing it. Therefore, I have to oppose the Bill and shall give my reasons.

I do not wish to be sidetracked into an economic argument raised by the Home Minister. He has raised every important points. In fact he has provided us with a long commentary on the terms of reference of the Pay Commission and also on the economic doctrines, philosophy of trade unions, motives of political parties, inciters, promoters, etc. All that he is in a position to do but I am not in a position to reply to all that.

The main cause of the Bill and also the main cause of the points made by the Home Minister is the question of P. & T. strike. The Statement of Objects and Reasons says that the Government is compelled to move this Bill because the Government services are threatened by a general strike that will hold up the community and inflict great hardship, threatening the security of the country and therefore, they must protect the country from this threat and hence they are obliged to move this Bill. He has also made a statement that the Federation persists in its resolution to strike in spite of the fact that all minor demands have been met and the major demand has been met. The case is made out that the employees are interested in nothing but the strike When a major demand is met and all the minor demands have also been met, who would strike unless he is either a fool or a saboteur. Naturally, the conclusion that he tries to arrive at is that they are either political saboteurs encouraging the strike or they are fools falling into their traps. This is the conclusion which he wishes to draw and wishes to put before the country Is that conclusion correct?

He wishes to paint the picture as if the Government was very reasonable and sympathetic and looks after the interests and position of its employees but these employees do not understand what the Government is doing and that they are rather unreasonable, impatient, and so on. I, however, thank the hon Home Minister for his sympathy for the public servants.

I would have liked had he omitted the phraseology of the 19th century. I cannot blame him because after all he is inheriting his ideology from the 19th century. In modern discussions of trade union struggles, nobody speaks of a master and a servant. Those days are gone. Even in the common law of England, the phraseology of man and a servant is being discarded and in the philosophy of

socialism, the idea of a master and a servant does not exist. This one single description by the Minister is enough to tell us how ideologically they are still in the backwardness of the 19th century but are trying to resolve the problems of the 20th century in terms of socialism That is only an illustration. Really, there are no master and servant relationship now, that type of relationship has gone Now, they are described as employees and employers and workers Even among the working classes, in trade unions, if a man is called *mazdoor* a labourer in our marathi side of the country, he resents it, he wants the word Kamgar—a Marathi word Even in describing these things the Ministry should overhaul its ideology, and phraseology and approach the problem correctly

However, because of these words, I do not disbelieve his sympathy and I do not disbelieve when he says that he wants to solve the problem But the trouble is that a solution is not being found Partly, a solution has been found I accept it The appointment of the Pay Commission is certainly good But, I do not want to congratulate the Government for it; I will give my reasons But, I accept it and the appointment of the Pay Commission is itself an achievement for the people, for the workmg classes of this country and especially those who are employed m the Government service The terms of reference may or may not solve certain problems, I do not know After hearing the commentary on the terms of reference, I am getting more and more sceptical about how things will develop in the future It does not rule out a healthy development I do not want to rule out that something good will come out of it

Then why should not the appointment of the Pay Commission immediately bring forth a gushing support from the Government servants and make them cancel their resolution to strike? I am not connected with the Confederation nor am I personally connected with the P & T Federation but this House has had enough of literature to inform us. Certainly as one of the leaders of the Communist Party, I am interested in the solution of this problem—in a solution which will grant at least much of the demands of these employees In that way the Communist Party is interested in every movement of the working class, whether in the public sector or in the private sector We do not dissociate ourselves from this movement We do not dissociate ourselves from the demands of the trade union movement that is being conducted But the Communist Party as such does not call for strikes If the Home Minister has got a wrong report about the structure of the Communist Party I can provide him with a copy of the constitution, it is no secret, it is a published document The functioning of trade unions in which the Communists work is an open thing He does not know that the Communist Party long ago took a decision to dissolve trade union fractions and allow their members in the trade union movement to conduct their activities according to the decisions of the managing committees of the unions When the Communist Party considers the question of strike struggle, the demands put forward by a trade union as a political party of the working class, it considers them from the point of view of its philosophy, politics, economy and so on, and lays down a certain view before the trade unions who are entitled to take their decisions as they like

Therefore, if the hon Minister says that we are engendering a sort of a general strike in the country and that we have to establish secret factions and all that, such a picture need not be created and creation of such a picture is not going to lead us to any solution of the problem, it will lead us to hurling abuses across each other and will not lead to any solution of the problems If you start doubting motives and attributing things which do not exist then it

[Shri S A Dange]

creates a very bad atmosphere, and I should be the last man to create a bad atmosphere for the settlement of a strike of such serious nature

Every strike is serious, no doubt, but a strike affecting governmental service, P & T employees and so on, is certainly more serious than a normal strike, say, in a textile industry Therefore, I should not like to deal with this problem in a sort of a cavalier manner and go on insinuating things

Let me put the case in short. It is made out as if the P & T employees have decided to strike in spite of their demands having been met Well, this House, of course, is quite placed with facts The P & T employees gave their demands to the Ministry in July, 1956—not 1957, in 1956 They met the Minister I think at that time Shri Jagjivan Ram, who is now the Minister of Railways, was the Minister for P & T Then they met the Prime Minister, I think in 1956—not in their recent visit—and they were told to go back to the Ministry again No settlement came on any issue at that time Then they formed a charter, published it and waited for negotiations Months and months passed I have to tell this thing because a case is being made as if a certain secret conspiracy has been sprung upon the Government and the community is being held up

The community is not being held up, nor has a secret conspiracy been sprung up on the Government. In July, 1956 there was a submission of the grievances These grievances were not manufactured, they existed for years and years For example, the Government Secretariat staff gets 22 days holidays, the staff in postal services get 16 days, the staff in the telegraphs department get 12 days, whereas the staff in R M S and Telephones do not get any Why? Do they require profound thinking of the structure and the conditions of service of two million Government employees to discover a simple fact that 22 days are given as holidays to a certain section, 16 to another, 12 for a third section and the fourth gets no holidays and also no pay in lieu of holidays?

If these people—the R M S. and Telephone people—bang down the telephone and say that others get holidays whereas they do not get holidays or compensation, the Minister says "We are considering" One year, two years, three years pass until they come down to 1956 and serve a charter Still they want to think very profoundly and deeply, because it may have a tremendous impact on the general economy of the country! Giving holidays to some staff in the telephone department and RMS staff, about 30,000 workers, will have a profound impact on economy, profound inflation, the whole financial structure will be blown up if these holidays are given!

Why did this thing happen? Could you not have settled this problem before? Even now it is not settled, even after the P & T people have met the Minister I am just pointing out one instance There is a proverb that one little gram of rice in a pot shows whether the whole thing is cooked or not This one little instance shows how things are still being dealt with The Home Minister says that all major demands are being met I am surprised to hear that I am surprised at the brief he has been given I am surprised at the profound intelligence he has been given by the "Intelligence Department", which has no intelligence left in it except concoctions

Therefore, why should not people lose temper? They are, after all, human beings If they are not able to get even smaller things done, they are bound to lose some patience What should the Government do? The Government should not lose patience because the Government is the ruling party After all, Government has power Government has got many leaders of eminence Therefore, they should not lose patience, even if the

workers lose their patience. Let the workers lose patience. They have more right to lose patience, because they are, as he calls them, servants. On many small things they have got grievances. Therefore, they are bound to lose patience. If their loss of patience leads to beating by the big stick then more patience is lost. Therefore, I would request him to see whether all the demands have been conceded, as he says

Now, he will say, after all, you people, on this side, were shouting for a Pay Commission for two years. Yes, for two years we were shouting and, I think, 15 days back we moved a resolution. What was the condition at that time, 15 days back? We said, for God's sake give us a Pay Commission. They said, no Pay Commission—we will call it something else. We agreed and said, give us the thing and call it anything that you like What happened in these 15 days, that suddenly the Pay Commission has been appointed? What has happened? The workers lost patience and said, if it is not being done then the only thing we can do is to say *namaste* to you and go home, which you say is strike holding up of the community. They had been asking for a Pay Commission for the last two or three years. Even 15 days back we asked for it again. At that time we were served with the philosophy of inflation, and we were told that it would disrupt the financial structure of the country.

And, now, after it is being conceded, would I not be entitled to conclude that this Government does not concede even small things like a Pay Commission enquiry unless the workers suffer and ultimately say, if that is the thing then we non-cooperate and we strike? Strike is a form of non-co-operation. When they do that, the Government says: "No, no, we have sympathy for you, we give you the Pay Commission." All right, I thank you for that. I accept it. You are not obliging us, but we accept that; we will work with that and will try to extract as much gain as is possible from it. We will see if a settlement is possible. It is my philosophy—maybe, it is not the philosophy of the P. & T. Confederation, maybe, it is not the philosophy of some other organisations, because I am not their President, nor Secretary, nor a member—to negotiate till the last minute. I will negotiate even till the midnight of 8th August, as once for a greater cause Mahatma Gandhi did, and if no proper concession is given then only strike, and when I strike I strike hard. That is my philosophy. But I never give up negotiation because I do believe in it

Therefore, it is not my desire to see that things lead to strike. No. The desire is common on both sides, to avert strike The common desire is that avertion of strike must be done by some solution of the immediate problems of the workers, leaving a large part for the Pay Commission to find solutions. If that is the desire, I think a common ground can still be found in order to negotiate further and not close the doors on either side If any section has done it, let us not, we who are in this House and who have got the function of advising people, lose sight of this fact and lose our patience

On the point of major demands, when this major demand has been conceded, will you please consider for a moment why this is not being considered by the people as a real concession from the Government? Why this concession is decried? Certainly, you have given the Pay Commission I must certainly accept that the Government has revised its standpoint. 15 days back the Government was not ready and now they are ready to appoint a Pay Commission I do not want to have a fling at it as a defeat on their own part, but they have revised their standpoint. I accept that But why is it that the workers do not accept it as a big thing? There must be some reason for it. It is because of the way in which you have done it and the hedging that you put round that concession which has now been noticed even in the speech of the Home Minister. That

[Shri S. A. Dange]

is why, the workers feel suspicious. Is it really a concession? Is it really a transparent sympathy or is it another trap just to get over the situation and beat us back? This is the suspicion. It is born of several years of relations This is not due to the incitement of the Communist Party. No If we had got that power to incite two million government servants and employees with our philosophy, this Government would not have remained in power. We have not got that power, and I regret that I have not got that If that power was there, then this thing would not have been there What is the sort of power that you are attributing to us, a power which does not exist? That power, I do not possess Of course, if the Home Minister intends to give it, I do not mind, But I do not want it in a vacuum I want it in a reality. But the reality is not there. Therefore, it is not a correct statement of fact that we can instigate these two million employees.

Why do the workers mistrust? It is said that this is done because there is the Communist Party: that the trade unions are advised by some instigators who are out to put the State in trouble. I should think that the Government knows that there is such a thing as the United Nations. In the United Nations Economic Division, there are the Government of India nominees. That Economic Division produced a report. Their report rejects the theory of wage-price spiral. I do not know whether Government is aware of the United Nation's report which says that the statements that are made that increase in wages always leads to rise in prices and inflation are not very correct statements This is the United Nation's report, not mine.

Secondly, may I come to another point? If the Minister thinks that this is a vital government service and this inflationary spiral caused in the existing system by way of asking for more wages will endanger this country and this is done specially by the Communists or the Socialists or by the Praja-Socialist, let me inform him that there is a general strike wage throughout the capitalistic countries. There is a general strike wave demanding higher wages in England, in France, in America, in Italy in West Germany, in Japan and so forth. If he has not got the facts, I am prepared to give him the facts.

Shri C. K. Nair (Outer Delhi): They—the capitalist countries have got the freedom to do it.

Shri S. A. Dange: They want to have the pleasure of telling us that the Communist countries also have strikes. (*Interruptions*). What is the argument? They are also workers and they have demands. Supposing they are not allowed to strike why should you follow them? You should allow us

Shri C. K. Nair: They—the Communist countries—have no freedom to do it That is what I said

Shri S. A. Dange: I say that this is an excellent system in which we have got right to strike in this country. That is now being taken away by this Bill. Please withdraw it. That is exactly my reply: that this country and this our Government gives us that freedom to strike while those wicked countries do not give that freedom! Then why are you copying *that wickedness by this Bill*?

Coming to facts, I may bring to the attention of the Minister of Home Affairs a report from America, saying that the AFL-CIO backs pay campaign of Government employees. The American organisation of AFL-CIO is backing the pay campaign of Government employees and the Minister should know that there are no communists in that organisation; he should have known it from his secret reports. In fact, they are anti-communists Mr Meany, who I think is known to the Finance Minister and the Home Minister said, or rather, "assailed the recent remarks of Budget Director Brundage" —(not T T. K.)— "who had voiced fear of 'inflation' if Government employees

received salary increases this year." He goes on to say: "In effect, Uncle Sam's employees are helping to subsidize their government through failure to receive merited pay increases". Here is the inflationary theory blown up by the AFL-CIO, asking pay increases for government employees. Do you think that the AFL-CIO is against the general community! The AFL-CIO backs its own government and that itself shows that this theory of inflation is wrong.

The Chairman of the AFL-CIO opposed the proposal that increases may be given by special adjustments. That idea also has been rejected here.

Let us take the report from England's *Labour Review*, a quarterly report of progress in the United Kingdom, published by the British Information Services, at Eastern House, Mansingh Road, New Delhi. What does it say? I think this report should be available with the Government. The report says that "most of Britain's strikes have been in services that directly affect the public's convenience or threaten to affect it very soon". You know in England the Communist Party is not in a position to direct the strikes or bring about the strikes. It is the British TUC which is doing it. Do you mean to say that the British TUC wants to hold up the Government and put the community in hardship, and incite them to this thing, because it wants to do something bad? No, Sir. The TUC also rejects your stand.

Here then are the other countries. *Japan*: 6000 employees of the Japanese Government and public workers' union are waging a struggle for a higher basic wage as part of their Spring offensive. That is one more.

Then you have got West Germany. Every day we hear glowing accounts how workers there had put up productivity and rebuilt the country. Certainly the workers—the West German workers—are excellent. That is very nice. And we should copy them as we are told. But the West German public service and transport trade union, the postal workers' trade union and the railway workers' trade union announced in November their intention of acting jointly in the future on all questions of wages, salaries and hours of work. And they are giving the notice of strike.

But you might ask: "What about some very real essential public service?" For this I have got choice news for the Government. "On February 12, employees of the Oslo police decided to give notice. By this action they hope to force wage and salary increases." Were our Home Minister in Norway, he would not conceive of such a thing! It is the police. They are a very vital part of the Government machinery and they are allowed to form associations and this happens in France, in Norway and in other countries. Norway, I am sure, was recently visited by our Prime Minister and there, there is a threat, a notice of strike by the police.

Take Italy. "On February 28 and March 1, Italian postal workers began a new 48-hour strike in which 105,000 workers took part. The entire postal service as well as telegraph and telephone connections were interrupted".

Thus, we see that strikes occur in the countries which I have quoted. Why should they exist here also? You say that you are following a new path? Is it the outcome of the new path? It is because of the new path we talk of every day? The Home Minister says that our legislation is far in advance of Great Britain's? Is this the way of the advance over Great Britain? In Great Britain, strikes are not declared illegal. May I ask him to produce a type of this legislation there in normal times? I could ask him to produce a type of this legislation only during a war. Except during a war, such legislation is not brought up. But are we having a war in this country. When a war exists and when we fight an enemy, we will postpone every strike and join hands with the Government.

[Shri S A Dange]

in fighting the foreign enemy. What is the use of saying that there is external danger now? When laws are being hurled at us, without knowing what the dangers are, what can I say? I can only say this, that taking advantage of the ignorance of the people in this country and taking advantage of the ignorance of the trade union movement here, facts are hurled at us, which are no facts The real facts are hidden and we are told that we are having a trade union legislation which is in advance of that of every other country The Home Minister might do well in asking for the report of the Trade Union Congress in Blackpool in England That deals with the report of wages and prices in England They are saying that they do not accept the theory of inflation—this theory that wages either in Government services or in private employment will lead to inflation And they refused to stop filing their wage claims because of this theory that was being thrown against them Will the Home Minister produce that report of the British TUC, because the British TUC is just like the INTUC? May I ask whether the Home Minister and the INTUC whom he praised will tell us whether it is these blasted Communists in this country who are pressing higher wage claims and causing strikes, and that in all other countries, where democracy functions in a very grand way, something else exists? No, Sir Something else does not exist What they are doing is, is what we are doing here, and the Governments are behaving in those capitalistic countries exactly as the Government in this country, which is still capitalistic, but hopes to be socialistic, are behaving Arguments are the same and yet, the *dhanda* that is shown here is not the same there There they still argue, here we have dropped argument and suddenly come forward with a Bill saying that we are going to declare strikes illegal So, I would request the House to study the facts in the whole world It is monopoly price and monopoly profit aided by Government, which is creating inflation and the workers are asked to suffer taxation Therefore, there is this contradiction of making the working class and the community suffer by higher taxation, to pay for things which are being built even there and even here. There also they are building heavy industries They have got more consumer goods and we have less here With more consumer goods, there should be less inflation, according to the Home Minister In America there is more inflation than here In England and Italy, where heavy industries exist, where consumer goods exist, there is also inflation We are told, "We have less consumer goods now and we are paying for heavy industries It leads to inflation" If that is so, why is there inflation in countries like Britain and West Germany? That is not the real reason The reason given is not true The real reason is monopoly price and monopoly profit and refusal to control that Check the prices and then give the wages according to the cost of living

14 hrs

Therefore, his economics is wrong; his phraseology in wrong, his ideology is wrong, his facts are wrong What more can I say on that question? I have given you the whole picture From this I want you to make out the true case It is not we who really want strikes now, it is not our ideology that produces strikes We want settlement of disputes But if he approaches this in the way he does, if he interprets the terms of reference in the way he does, then solutions will become difficult What I want to plead is, let us make solutions easy What is the way to make the solutions easy? What should be the way, must also be stated by me because I cannot simply close by criticising him and his principles and not point out a solution I always undertake that responsibility, whether some of my friends like it or not The other day, for example, when I was going away

for a certain trade union meeting, I just made the suggestion that negotiations on either side should continue. Some of my trade union friends resented it. Everybody knows it, and if it is not known, everybody will know it that I want to keep up negotiating till the last and if it will fail, then I shall not hesitate to strike just because a Bill like this exists.

Therefore, I do want negotiations for arriving at a solution. I am sure the workers also want a solution. Nobody likes a strike. Strike causes more hardship to the strikers than to the community. Therefore, my proposal is, please withdraw this Bill; let us drop it. No harm will come. If no solution is found, what will happen? What has happened in England? I have got a reference here. In England, the provincial buses were closed and the municipal buses were threatening to close down. The Home Minister thinks, the communists here are violent and therefore violence breaks out. But England is not a country of violence; it is a demoeratic country which we copy in everything. Here is a report of the bus strike in the *London Times*: "The tyres were deflated and fuel pumps bruken," by the strikers. There is no report of firing having taken place because the petrol pump was broken. Imagine what would have happened here if in a strike fuel pumps were broken.

The Home Minister says he very much liked the constabulary and the behaviour of the people in London. I have had the pleasure of living in London for a few months and I have seen the constabulary. I have seen the workers. Strike. I have spoken to them. It is a mutual give and take there. You want only the workers here to behave like the English workers do, but what about the constabulary here? How do they behave? You want the workers to be have in the way American and English civilised workers do. But what about the governmental systems there and the system here? There the bus strike took place. They appointed a tribunal and the strike still continued. Here you would not appoint a tribunal until the strike is first withdrawn. There the strike took place and a tribunal was appointed. The employers offered 3 shillings. The workers asked for 24 shillings and the tribunal gave 11 shillings. The workers accepted it and the tribunal went away. There was no firing even when petrol pumps were broken. There is difference in approach. If this approach there is taken up here and properly injected among employers, whether State or private, then I think we can resolve many things more quickly.

Sometimes Government here do desire to resolve the differences and that is also acknowledged, but there is the bureaucratic machinery which hampers it everywhere. Even in socialist countries, bureaucracy hampers it. Let us try to overcome it, when hampering takes place. When a strike notice is given, it is no good suddenly attributing bad motives. Then solutions become difficult. It is no good rushing with Bills like this. It is no good saying, "We have appointed a pay commission, but we think interim relief should not be given". After all, the pay commission has to go through its meandering terms of reference, and if some relief is not promised, what can be done? I think the Government ought to have been generous and said, "Till the pay commission reports, you, gentlemen, get Rs. 10, Rs. 15 or Rs. 5." That would not have caused a serious inflation. How many know that there is a sort of a fixed principle with Government that in order to peg the rupee at its present value, a certain amount, Rs. 500 crores must be preserved in London? I have never heard of such a principle being imposed on any financial system. It is unnecessary and against any funamental principle. Why not deplete that reserve and give the wage in-

[Shri S. A. Dange]

crease or interim relief to us? Why should you not do that? You plead you have no money. Rs. 500 crores need not be lying up in London only to peg the rupee at its present value, a rupee which is quite sound in the international market today.

Therefore, even on financial grounds, if you were to discuss it with me or other Members, and go into that question, you will find that, his basis, his financial theory is not correct even according to many bourgeois economists, let alone Marxist economists. Today somebody told me that the Finance Minister s already thinking why this reserve should be pegged at Rs. 400 crores and why it should not be brought down Exactly that bears my point that these principles, which are supposed to be sacrosanct, are really not correct. If you revise that attitude, I can tell you that you can easily settle this problem. Then, this firing, the workers getting into an agitated mood, etc. would not happen. Revise that approach Rule out Bills like this Sit down and argue what is immediately necessary to be done If you cannot settle it, leave it to the workers to be persuaded by others. Give them something tangible. The pay commission is a tangible thing, but if you add interim relief to the pay commission, then people who did not desire a strike at any cost can plead with the P. & T. Federation and say, "In view of this, can you not go on negotiating with the Government and raise your standards of living if it is possible?" Because the workers down below are suffering, there is pressure on the leadership and they say. "You negotiate with the Government. We have been negotiating for the past one year and even in these last 15 days and they would not appoint a pay commission. Then how could we get it? Because we said, let us for once express our anger and non-cooperate for six or seven days with the Government. Now they have come down and said they would appoint a pay commission."

Let us not lose our patience. My submission is, revise the approach. Of course, I am repeating my older proposals, because I cannot help repeating. To talk about this Bill itself,—the Bill as it is framed, the Home Minister said is only for essential services. No, Sir. In clause (vii), you go on taking power to declare any service as essential, and not only services holding the community up. You say, any service by the stoppage of which grave hardship is inflicted on the community; it need not be necessarily holding up the community The Government may say, even if there is strike in a textile mill, cloth is not produced and it inflicts grave hardship on the community. You are not putting before the country correctly the import of this Bill One might go and ask, are you so anxious about stopping grave hardship? It is that because the P & T workers or workers in some public utility service may inflict grave hardship and you want to protect the community from that grave hardship, that you are bringing forward this Bill? If they were to say that it is for the sake of the community that those who support such a strike are threatened with imprisonment and fine and so on, excuse me for challenging their *bona fides* If your *bona fides* were correct, why did not you use these powers and imprison the food hoarders? When hoarders held up food and starved whole provinces, why did you not introduce a Bill for arresting them without warrant instead of telling them, please reduce the price, we will give you market price, bring out your stores. Why? (*Interruption*). Is not hoarding of food a grave hardship on the community? Can you not have powers to act and act swiftly? No. When it is a question of food hoarders, you give them market price. When it comes to these working people demanding

wage increase, you do not argue about their price, you argue about banning their struggle telling them that if they persist, it will be followed by imprisonment or fine and so on? Why this differential approach between hoarders and these men? I admit both inflict hardships Why that man, the hoarder, is let off with his market price and this man's hardship is followed by jail? There is the point It is this differential approach, differential class outlook, the outlook of the bourgeois and the landlord If you persist in this outlook, this Bill will come If you give up this outlook, you will amend the Bills, even if you retain them formally, so that, you can retain the power to use as you like You have already got the power which need not necessarily be this Bill You have got a nice perfect piece of legislation which can arrest anybody, any time for any reason or no reason in the Preventive Detention Act Then why have this Bill?

That is due to a habit so to say, and the habit is developing, Government is being enamoured of getting more and more powers in order to beat the people in the name of protecting the community Therefore, do not add to such laws, do not add to such threats Please sit in a round table conference You may say, we have tried to do it, but you fellows sometimes go out and make statements closing all doors So, we are not going to negotiate Sometimes you can excuse the people if they are wrong I do not say they are wrong Sometimes, if they are wrong, you can excuse them You are the Government They are workers, exploited, oppressed The Government has no right to do wrong things, because it has got omniscience and omnipotent power Even if the Government has the right to do wrongs, and wrongs go against wrongs, if they are matched, who has to retreat? Workers necessarily? Why should you have that ideology? If the workers will not retreat, should Government also not retreat making it a question of prestige? No, Sir No Government ever lived by mere quotations of prestige. A Government which tries to live only on prestige cannot do good to the community Because prestige becomes bureaucracy, bureaucracy gets hardened and isolated from the people and cannot understand their problems It obstructs their settlement and a smooth social life

You may not be satisfied You may say that I have not been able to give all the answers that you may need for your argument I am surely not in a position to give any assurance on behalf of the Government employees or on behalf of the P & T I can only plead on either side, because *though I am connected with* the trade union movement, this particular thing is not in my jurisdiction But, as a trade unionist and as a communist, I would say that the approach you are having is leading to all these deadlocks I hope there are indications that the approach is being revised I do not want to be a critic who will attack anything good that you do, and always say, I am against any Government and whatever they do, I am against That famous Irish proverb may be true or may not be true or it may be the malignment of the Irish nation by the bourgeois leaders there I am not of that opinion I do accept, first, appointing the Pay Commission is good We shall utilise it and the workers should use it in order to persuade the Pay Commission to reject the argument of the Home Minister or the Finance Minister and to accept first of all, a new approach to the problem and revise the pay scales and emoluments and to reject the idea that all relief would be given in terms of kind If you give some part of the increase in kind, I do not object to that

I was surprised to find the Home Minister arguing that consumer goods are short Fifteen days ago, I heard the argument, a determined argument, that food was not short, that the Government had completed the

[Shri S. A. Dange]

First Plan and had quite a tremendous lot of food. But, when the question of wage increase comes, it is said, everything is short. This change of facts, changing conclusions within a short period like that confuses the people and leads them to ask, which is true. Are we really short of things or are we really having many things? Then, we may be able to base our tactics on it. Therefore, I say, Pay Commission, yes. And refer the question of interim relief to the Pay Commission if necessary—if the workers would like it, I do not know,—so that the Pay Commission can judge whether the Government has got enough finances to give some interim relief. Let the Pay Commission judge how much of it should be in money and how much of it in kind. I do not mind that.

In the war days, when there was scarcity, certainly there was payment in kind. The Railways had a nice system of providing matches, food, sugar, etc. in kind at pegged prices. If the prices are running away, that is one of the solutions adopted even in socialist countries. I do not say that this is the evil of this country only or the evil of this Government that there is scissrs,—prices going one way like that and wages like that. A sort of scissors exists in prices also. Prices of manufactures rising in one way and agricultural products falling or rising in another way. In socialist countries also, when it is not fully established, inflation takes place. I do not say it is only our phenomenon. But, how is it to be dealt with? The first thing they do is to peg the prices and supply the minimum goods at that price at a certain quantum. Then, there is a second price shop in which if you want more, from the balance of your wages, you can buy any amount you like, so that all people, all working people, people with fixed salaries get fixed minimum quantities of the goods which are available at fixed prices. Therefore, inflation in prices does not affect at a minimum level the minimum wage-earner. If he wants more or other people want more, there is a second range of prices, shops in which they can buy more if they like. If I want one pound of rice, I pay a fixed price. If I want two pounds and that of Delhi rice, I go to another shop. Here I pay a fixed price of eight annas or a rupee. There, for my luxury, I pay Rs. 2. If that system is introduced and we build up our plan on that basis, you avoid the dangers of inflation. I am not discussing the Plan here. Since you have raised it, I am mentioning it. We should really discuss this question and not raise it this way in order to rebuff the demands of 2 million employees of the Government, whom nobody wishes to go on strike, nor I, nor anybody else.

You say there are some hot heads who want a strike? What would you do with them? This question has been put to me. If there are some hot heads who would have it, let the cool heads deal with the hot heads. Why should you have this Bill, to deal with the hot heads? Release the force of arguments, the force of people. If a certain quantity of relief is guaranteed, and minimum demands are conceded, if the hot heads still persist because a brass button was not yielded or a uniform was not given, let the people argue. There are hundreds of M.Ps. who can argue with them. You have the I.N.T.U.C. such a powerful organisation as the Home Minister said. All these forces are there. Even we can go and argue how far we should go and how far we should not go.

I thank you very much for allowing me to put the whole point of view in such detail, a detail, perhaps, which may be tiring to some of the Members. I am sorry if I have tired them out. But, the problems are really too serious. Therefore, if I have put in certain aspects which are not strictly relevant to the Bill, they follow from the Bill, and follow from

the Home Minister's speech So, I have put in those aspects.

My last appeal would be on either side, do not give up negotiation On either side, try to avert it. But, do not avert it by basing yourself on matters of prestige Avert it by granting the minimum, crucial core of the demands The other demands, send them to the Pay Commission or the Ministry for further argument Let us put an end to that method of dealing with the question in the way we have been dealing so far Let us make a new beginning from this point at least

Shri M. R. Masani (Ranchi-East). Mr Speaker, the two speeches that the House has so far heard with interest and keen attention have given a feeling that what we are discussing is the threatened strike of the P & T workers and the merits and demerits of that strike I think, it may be useful to recall when we consider this piece of legislation specific attention to the merits and demerits of this measure rather than to the economic and political controversies of a wider nature with which this House is not at present concerned I propose, in the few minutes that I have, to devote my attention to the philosophy and basis of this Bill.

Before doing so, may I say, on behalf of the Independent Parliamentary Group for which I speak, that we share the concern and the feeling to which the Home Minister has given expression

An Hon. Member: Not all Independents

Shri M. R. Masani: I said I am speaking for the Group We are opposed to the strike We believe that those who are sponsoring this move have a very heavy responsibility before the country for creating a situation where the normal life of the community is disrupted, where essential communications are smashed and where untold hardship and misery will be caused to a large number of people If a resolution was introduced by the Home Minister to condemn the strike or to appeal to those who are in it to withdraw the strike, we would wholeheartedly vote for such a resolution But, as I said, we are not faced with such a situation We are faced with a legislative measure which is only partly concerned with this strike, which goes very much beyond it

The Home Minister pointed out that this was a temporary measure He mentioned a year Actually the Bill is valid for a year and a half But I recall several years ago a similar situation with which this House was faced, when Sardar Patel, that great statesman for whom we all had such great regard and respect, faced us with the demand that in one day we pass the Preventive Detention Bill He gave us very good reasons why it should be passed—because, he told us, if it was not passed, a particularly dangerous set of people would be let loose by the Calcutta High Court the next morning I recall that, with all my sympathy for the motion that the Home Minister then made, I got up and said it was with a very heavy heart that some of us would vote for that measure I pointed out that that measure was not the real answer to the challenge with which the Home Minister and the country was faced

I find myself very much in the same position today, of saying to our Home Minister, who is in his own way as eminent a statesman as Sardar Patel, that this is not the right answer to the challenge with which the country is faced by these developments

That Bill, which Sardar Patel in reply assured me would only last for a year and be replaced by a more considered and principled piece of legislation, still adorns our statute-book, and I am rather afraid that this Bill too may last on our statute-book long after the postal strike is forgotten Therefore, we must consider this as if it were a permanent measure which we are putting on our statute-book, and consider whether it would grace our statute-book or whether would be a blot on it

[Shri M R Masani]

Is this Bill really necessary? This is a question which I would like to address to the Home Minister I may be wrong, I am speaking subject to correction because the Home Minister has not given us very much time to consult people or to find out the implications of the existing Act and of the proposed Bill I find that the Industrial Disputes Act—I read in the last two days over the week-end, trying to find out what was wrong with it—says in section 10(1) that in public utility services, where the Government so desired, they could make a reference to adjudication or to a board of conciliation And subsection (3) of that section goes on to say that where an industrial dispute has been referred to a board or tribunal under that section, the appropriate Government may by order prohibit the continuance of any strike or lockout in connection with such dispute which may be in existence at the time of reference Section 17(A) gives the Government the power, when it is itself a party to a dispute, to vary an award which might be made by the tribunal, which might be found to be in expedient in the country's interests Section 24 says any strike that is prohibited by Government under section 10(3) shall become an illegal strike and sections 26 to 31 lay down the penalties which shall follow in regard to those who take part in or instigate such a strike or even finance it I believe that these powers are adequate for the Government to deal with the threatened postal strike later this month

I do not understand at this stage, though I shall learn and we shall wait to learn from the Home Minister, why these powers are not being applied when they are already there on the statute-book, when they flow out of the considered opinion and consideration by this House The only reason I can suspect, and I would like confirmation on this point, is that that Act makes it necessary for Government to refer a dispute of this nature to a tribunal for adjudication, or even to a board of conciliation for conciliation

If my understanding is right, then it draws attention to what is the main blemish in this Bill, and that is that it by-passes the valuable right of a worker in this country to see that if he is denied the right to strike, he will at least have the benefit of a judicial or a quasi-judicial judgment in a matter on which he feels very strongly The principle, in other words, on which this Bill is based and which I cannot support is that you may deprive a citizen both of his right to strike and of his right to seek redress in a legal, constitutional manner

Mahatma Gandhi often argued that collective bargaining in industrial matter when it led to a strike created a primitive situation He suggested a civilized method, and that was that when collective bargaining ended in failure when there was a refusal to come to terms across the table when the rule of law should prevail And the rule of law was that both parties should submit to the arbitration of a third party in whose judgment they had confidence An adjudication or arbitration, therefore, is the expression of the rule of law in industrial disputes

If this Bill is to deny the worker who is frustrated in the pursuit of his demands on the one hand the right to strike on the ground that it disrupts essential services which is a fair ground and at the same time refuses him the right to go to a tribunal to plead his case and ask for justice, which is in fact what it amounts to in this case, this Bill will make a breach in the democratic liberties of which we are so proud

That is why I have given notice of an amendment which seeks to make only one major change in this Bill, and that is that it should be prescribed

that before Government can declare a strike to be illegal, they shall be under the obligation to refer that particular dispute to adjudication by a tribunal

I know it is argued that adjudication and arbitration which Mahatma Gandhi preached are very sound principles in the case of private employers, but cannot apply to the State, because the State is sovereign, the State is the people That is a fallacy The State is not sovereign, is not the people, when it becomes an employer If the State decides to go into business, then it must behave as a good employer The State as the policeman, the State as the keeper of our destinies, is one thing, we bow to it and pay it homage but when the State starts trading corporations, insurance corporations, air services and all kinds of trades and businesses and industries, then for the State to put itself above the law is to make a claim that is only valid in a totalitarian society In a democratic society, the State must be prepared to bow to the judgment of a tribunal appointed by itself as much as any citizen on which it inflicts this obligation If it is right and proper that a private capitalist should go to a tribunal and bow to its decisions, it is just as proper that the Government when it trades or goes into industry, should also submit to the rule of law And I believe that for the State to claim that because it is a Government it is above the law is a claim that no democratic Government should make in its capacity as an employer of labour Otherwise, we shall have this unfortunate phenomenon that at a time when our Government has become the largest employer of labour in this country, instead of becoming a model employer, instead of showing the way to other employers, which it has every obligation to do, it will lag behind It will create a feeling among our workers that if private capitalism was an evil, State capitalism is a bigger evil still

I do sympathise with the Home Minister in the situation in which he finds himself As Home Minister, it is his duty to see that law and order are maintained, to see that the life of the community, to which he referred, is not disrupted There we are all with him We would like to help him the best we can But can we say the same in regard to the responsibility of Government as whole?

This situation which the House is today faced with, and which creates this Bill, is the result of two factors, in regard to both of which the Government have failed This Bill is a confession of the failure of statesmanship on the part of our Government both in regard to their economic policies and their labour policies

If inflation is let loose on this country it is the direct product of the Plan frame and the Second Plan which has emerged from it Voices were not lacking in this country, and I remember the brave voice that Prof Shenoy raised in the Panel of Economists, when he pointed out that the sure result of sanctioning the Second Five Year Plan in that form would be inflation Today, with only a year of that accomplished, this inflation is in motion If Government policies are so lop-sided, if our planning pattern is so defective that through the very process that the Home Minister described, more money must be let loose without a corresponding measure of goods and services, if we are so obsessed with heavy industry that we forget the needs of the consumers; then we must expect this inflation And having created this inflation, having reduced the purchasing power of the rupee in the pockets of our people and our workers, are we then entitled to ask for generosity on their part when their claims to justice demand that at least the real wages that they take home should not be lessened

I think that this situation which Government are now facing is the creation of an unfortunately unbalanced pattern of planning, and until

[Shri M R. Masani]

this pattern is rectified, year after year we shall find ourselves facing inflation which is even worse than at present

Secondly, there is the failure of labour policy There is no perfect solution at this stage. But there was a solution at an earlier stage. If Government policies in regard to labour were as enlightened as the policies that they preach to private industry, then this situation would not have happened This is a failure of sound industrial relations, of sound personnel management We talk a great deal these days of human relations But it cannot be denied that there is nothing that is less human, more impersonal, and more mechanised than the handling of large numbers of our employees by the State itself It is a failure of industrial relations that is faced by us today in the form of this unfortunately threatened strike Even joint consultation—leave aside workers' participation about which we are so keen today—does not function effectively among the employees of the large industrial and commercial concerns owned by Government

It is this inability to get across the barrier, to understand the workers, to get close to them, this inability to take leadership in the industrial corporations and concerns that we run and the services that we carry on, which is at the root cause of this unfortunately led strike

It has been said that every employer gets the kind of trade union he deserves, just as every country ultimately gets the kind of Government it deserves Well, who created these trade unions? Who made it possible for disruptive elements to snatch the leadership of large numbers, of lakhs and lakhs of our patriotic countrymen? It is the failure of our labour policy as a Government that has resulted in disruptive elements seizing control of strategic services Therefore, there are more principled ways and more long-term and sound ways in which this problem can be dealt with

I have suggested that this Bill is defective because it claims that the Government has the right to tell a citizen; 'You shall not trike; you shall not go elsewhere for justice; you will work on the conditions that I dictate.' I do ask, in all humility, the Home Minister whether he contemplates that, in times of peace and normal times such as we live in today, this is a claim that any democratic Government has the right to make on the meanest of its citizens I do not believe it I believe in a free society We must give every citizen the right to legal redress, particularly when we take away from him the right to deny his labour, for a strike, after all, is the converse of the right to work. I deny my labour when I feel I cannot work in such conditions

[MR DEPUTY-SPEAKER *in the Chair*]

14 33 hrs

You may limit that right in an essential service But if you limit that right, then an obligation rests on you to offer an alternative means of redress, to say 'I shall bow to the decision of a tribunal as much as you will' Unless you take that position, a Bill of this nature is not one which those who hold individual liberty dear would be in a position to support

Shri Kasliwal (Kotah) I rise to support the Bill and to oppose all motions for reference of the Bill to a Select Committee or for circulation

The Home Minister, while moving the motion for consideration, has given cogent reasons for the necessity of this Bill And he has argued at length about the position in the country where notices have been poring in for strikes and so on I need not go into all those details, for it is not necessary for me to repeat all of them

But I want to remind the House that only today we have read in the press that there is a strike notice given by the station masters and assistant station masters of the railways also

Shri Surendranath Dwivedy (Kendrapara): Of whose association a Congressman is the president.

Shri Kasliwal: Only two days back, some hon Members on the other side, after they had known that there was a possibility of the appointment of a pay commission went and addressed the federation of Central employees and told them that they should keep firm and stick to their demands

I need not remind the House of what is being said in several papers in regard to this matter I happened to read a copy of *The New Age*, which is the official organ of the Communist Party And what does it say? It says that on the 9th of August, 'the postmen will not come to your door', and further, it says that the Posts and Telegraphs employees will continue to remain firm so far as their demands are concerned, even though they had known that the Prime Minister had announced that there was a possibility of the appointment of a pay commission I am referring to all this only by way of adding to what the Home Minister had said about the spate of notices which are pouring in for strikes

My hon friend Shri S A Dange, while referring to the speech of the Home Minister, dealt at length with the case of the Posts and Telegraph employees He said that from 1956, the Posts and Telegraphs employees had been making certain demands I know that they had made a large number of demands, but Shri S A Dange never mentioned how many of those demands had been accepted by the Department. Apart from other things, the demand for the appointment of a pay commission has been accepted

May I tell this House that their demand for a telegraph enquiry committee had been readily accepted by the Department? They had made a demand in respect of the other services also, but the Department told them that while they were prepared to go into the matter, the employees might put in separate memoranda, that they would have no objection to scrutinise those memoranda, and if they found that there was a possibility of having an enquiry into those matters also, they would do so

Then, again, as the Home Minister has pointed out, their demand relating to the class III and class IV employees in regard to leave, pension rules, medical assistance etc has also been granted I could give you a number of other demands which have been acceded to Take, for example, the case of 'offs' If any employee works on a holiday, then he is entitled to an off day The Department said, 'Well, we shall give you off days in lieu of any work which you did on holidays' Again the employees wanted that there should not be any split duty in the night

Shri Tangamani: May I know whether any of the demands of the extra-departmental staff has been conceded?

Shri Kasliwal: That demand also was readily accepted I am not going into the details, since this is not really a debate on the Demands for Grants relating to the Posts and Telegraphs Department, which would come up tomorrow, but I am only making a reference to this, because Shri S A Dange dealt at length with the demands of the Posts and Telegraphs employees, but he did not refer to the fact that although there were certain demand which had not been accepted, yet there was a large number of demands which had already been accepted

There is another matter to which I should like to refer The Home Minister said in a very small sentence that one does not know whether some of these strikes which are about to take place in the country have any relation to economic conditions or they are meant to serve political

[Shri Kasliwal]

ends. Some of my hon. friends here felt annoyed. I do not know why they should have felt annoyed.

But I would like to take this House back to what happened during the last session. A number of Members from the Communist Party had tabled the same resolution, namely the resolution relating to the appointment of a pay commission, so that it may go into the ballot. Preparations were being made in this House and also outside for a show-down. The resolution was brought here, and preparations were being made outside so that the country could be prepared for a show-down, and if I may say so, for a general strike. But Government knew, and were watching what things were going on. It is they, who have compelled Government now to bring forward a Bill of this character.

My hon. friend Shri S. A. Dange referred to certain strikes in England. May I remind Shri S. A. Dange, who is not present here, that he made a confusion between a fuel pump and a petrol pump? A fuel pump is not the same thing as a petrol pump. I would have very much liked to know what the condition would have been if those bus workers had attacked and destroyed a petrol pump. A fuel pump is a small thing in a car, but a petrol pump is something which is outside and fixed on the road. He mentioned about certain things in England and said that this Government follows things which take place in England. May I remind him that there is an Act in England which is permanently on the Statute-book, the Emergency Powers Act 1926? Shri Dange said: 'We are prepared to go with you if there is a war'. Where is the question of war in respect of the Act which was put on the Statute-book in England; at that time, there was no war in England. What does this Act say? The first section of the Act says:

> "If at any time it appears to His Majesty that any action has been taken or is immediately threatened by any person or body of persons of such a nature and of so extensive a scale as to be calculated by interfering with the supply and distribution of food, water, fuel or light and with the means of locomotion, to deprive the community or any substantial portion of the community of the essentials of life, His Majesty may by proclamation declare that a state of emergency exists".

Shri Tangamani: It is by proclamation (*Interruptions*).

Shri Kasliwal: If you prefer to have proclamation under Article 352 then are you prepared to attract the provisions of article 358 which says that when a proclamation of emergency is there, fundamental rights will be suspended? Are you prepared for such an emergency? Then come and tell this House that that is what you want and you do not want this Bill.

This Bill, as the hon. Minister has said, has been drafted with very great care and caution.

Shri Tangamani: Let it be an act of proclamation.

Shri Kasliwal: I have referred this hon. House to the Emergency Powers Act which is there in peaceful times and in a democratic country like England. So let them not come and tell us that this Government is behaving in a dictatorial manner, as Shri Dange did.

Now, what is the scheme of the Bill? It is a brief Bill that this House is called upon to consider. This House may declare certain services as essential to the life of the community and nothing more. This Bill remains inoperative if no action is taken under clause 3. What is clause 3? After this Act comes into force and if Government is satisfied and is of the view that in the public interest, it is necessary or expedient to do so, it may by general or special order

prohibit strikes in any essential services specified in the order. The hon. Minister has said that this does not mean that all strikes will be prohibited. This does not mean that all strikes will be declared illegal. What it says is that if the life of the community is threatened, then alone an order under clause 3 will be issued. This being the position, I do not understand why hon. Members opposite are so much concerned about this Bill. After all, this may remain inoperative, in a state of suspended animation, if no action is taken under clause 3.

I do not know what is the attitude of the hon. Minister to a small amendment of mine. The life of this Bill is supposed to be up to 31st December 1958. I have said that it may be extended till 31st March 1961. The reason is obvious. On the 31st March 1961, our Second Five Year Plan finishes. If this Bill remains inoperative, what is the reason why this should not be extended up to 31st March 1961?

Shri S. A. Dange said so many things about the Plan and many other Members will also say about the Plan. They may say that it is necessary that we have got to finish this Plan in a proper way, that the Plan must be more or less a success. But if strikes continue, if so many notices of strike are being engineered, one does not know what will be the fate of the Plan. With these remarks, I conclude.

Mr. Deputy-Speaker: There are a large number of hon. Members who would like to speak and they ought to be given an opportunity. So I would request all hon. Members to condense their remarks to 15 minutes.

Shri Pattabhi Raman (Kumbakonam): I wish only to make a few observations, with your leave, on the content of the Bill before the House.

I wish to submit in the first instance that civil servants, government servants, are a class by themselves, *sui generis*. They have the protection of article 311 of the Constitution which not only deals with the power of dismissal, removal or reduction of rank of persons employed in a civil capacity, but it goes on to deal with renewal, service conditions in general and other provisions, these are also applicable to them. They are persons who are entitled to gratuity and or pension, as the case may be, and in addition, they are assured of security of service.

In courts of law civil servants have had many decisions in their favour, and even suspension has been held to be a punishment in so far as article 311 is concerned. Therefore, when we talk of government servants, we must remember that they have a special status. They are the outflow of the second wing of the three wings of Government—the Legislature executive and the judiciary. They form part of the executive wing of any Government. And while there is a difference in France where we have droit administration here they get all the rights under the general law of the land.

Therefore, I repeat that whenever any consideration comes before the House so far as Government servants are concerned, it should be borne in mind that they are a class by themselves. In England, the position was as follows. You will remember that there was a general strike in 1927. thereafter we had the Trade Disputes and Trade Unions Act, 1927, in consequence of the general strike. That contained important limitations on trade union rights and immunities.

Shri Tangamani: That has been amended and a new law is there on the Statute-book.

Shri Pattabhi Raman: I am coming to the repeal and to the Order-in-Council. I assure my learned friend that I am not going to slur over or run away from situation so far as statute laws are concerned. To the best of my ability, I have done a little research on these. I am referring to what obtained between 1927 and 1946.

[Shri Pattabhi Raman]

In 1946 we had Sir Hartley Shawcross's evidence before the Committee. Now, we are concerned with the 1927 Act. That contained important limitations on trade union rights and immunities which, particularly in relation to strikes and lock-outs and the political application of trade union funds. That made any strike illegal which has any object other than or in addition to the furtherance of a trade dispute, and which is a strike designed or calculated to coerce the Government either directly or indirectly or by inflicting hardship upon the community.

What they had in mind was the so-called public utility services should be placed on a separate pedestal and anything which strangled the life of the community had to be dealt with in a separate way.

I am much indebted to my learned friend's interruption. I was going to refer to the repeal later, but I must do it straightway. This was one of the planks in the platform of the Labour Party which sought to repeal this, and did repeal it in the Trade Disputes and Trade Unions Act of 1946. But even after that repeal, if I may say so with great respect, doubts have been always expressed in England as to whether strikes may not be rendered illegal by regulaton under the Emergency Powers Act.

Even there, after the repeal in 1946, a general strike which falls within the definite category of a crime, namely, treason, conspiracy etc. becomes illegal. That was the general law of the land.

I will now refer to the Emergency Powers Acts. It is quite true that many strikes have taken place between 1946 and 1951. Perhaps, they were illegal under the Conditions of Employment and National Arbitration Act, Order No. 1305 in England. But, it is no doubt true that no prosecutions took place under that Order. But the fact remains that in England you had that general strike in 1927 and it is also true that that provision in the Trade Disputes Act got repealed. But that did not take away the general right of the State to interfere where an emergency came into being.

Then, with regard to the definition of 'Essential Services', I find that it is not very far from the definition in the Industrial Disputes Act. You will please note that in the Industrial Disputes Act, we have a definition of 'public utility service'. It says that any railway service, any section of an industrial establishment on the working of which the safety of the establishment or the workmen employed therein depends, any postal and that is important—any postal, telegraph or telephone service, any industry which supplies power, light or water to the public, any system of public conservancy or sanitation, any industry specified in Schedule which the appropriate Government may—there again, it is left to the Government—if satisfied that public emergency or public interests so require, by notification in the Official Gazette declare to be a public utility service for the purposes of this Act for such period as may be specified in the notification.

You have already got the power of notification given to a State Government under the Industrial Disputes Act in so far as a declaration of public utility service is concerned. Therefore, in this Act, there is nothing special and my hon. friend Shri Masani referred to that. They are sections 22, 23 and 26. Special notices have to be given *vis-a-vis* the utility services. Therefore, as I understand this Bill, it only gives power to the Government to declare any service essential.

The definition of 'Essential Services' in clause 2, is more or less, word to word, the same as the definition contained in the section to which I referred just now, namely, section 2(n) of the Industrial Disputes Act. Here the Bill goes to define 'Essential Services' as meaning—

(i) any postal, telegraph or telephone service;

(ii) any railway service or any other transport service for the carriage of passengers or goods by land, water or air,

(iii) any service connected with the operation or maintenance of aerodromes, or with the operation, repair or maintenance of aircraft;

of course, this is new:

(iv) any service connected with the loading, unloading, movement or storage of goods in any port;

(v) any service in any mint or security press;

(vi) any service in any defence establishment of the Government of India connected with the manufacture, storage or distribution of arms, ammunition, or other military stores or equipment;

(vii) any service which the Central Government, being of opinion that strikes therein would prejudically affect the maintenance of any public utility service or would result in the infliction of grave hardship on the community may, by notification in the Official Gazette, declare to be an essential service for the purposes of this Act;"

If the words 'utility service' or 'essential service' had remained as they did and it was left to the interpretation of courts, then, it was very likely that the definition in section 2(n) of the Industrial Disputes Act may become applicable. But it is quite possible for any one to argue that an essential service is not a utility service and surely it must be left to the Government of the day to decide which is an essential service because there may be an essential service not envisaged in the Industrial Disputes Act or anywhere else for that matter which may really strangle the life of the country or cause serious hardship. Therefore, the power given to the Government for notification under 2(2) with reference to 2(i) (vii), is in order.

Some reference was made to delegated legislation. Surely, any notification made by Government has to be placed before each of Parliament as soon as may be after it is made and shall cease to operate at the expiration of forty days from the re-assembly of Parliament unless before the expiration of that period a resolution approving the issue of the notification is passed by both Houses of Parliament. That will prevent the Government from acting hastily, if any attenmpt is made to act outside the scope envisaged under the Essential Services Maintenance Bill. This is on a par with the other Act which we passed the other day, the Essential Commodities Act. These are all necessary legislation which will help the Government to keep pace with the Plan which is before the nation and which has been accepted on all hands. And, to work out that Plan, Government have to arm themselves with this power.

It is rather amusing that when the Defence Estimates came up before this House, many hon. members got up and said that we must have Jet planes, submarines, cruisers etc. which will cost many lakhs of rupees and at the same time to hear that we must reject the Essential Services Maintenance Bill and that we should concede the demands whatever they may be. What is the meaning and the full implication of the bill is an aspect on which I do not want to take much of the time of the House.

Some reference was made to the fundamental rights. After all the right under article 19(c) is governed by cases. One of the cases with regard to association is V. G. Rauscase. What is really guaranteed in article 19(c) with regard to the formation of associations or unions is governed by reasonable restrictions; it saves legislation, which in the interest of the

[Shri Pattabhi Raman]

public order or morality imposes reasonable restrictions on the exercise of the right conferred by that sub-clause If the restriction is not reasonable, it is open to the Court to declare it unreasonable and strike it down Nothing is shut out from the Courts, no jurisdiction of the Courts is taken away If for any reason any classification is wrong, when a restriction is placed upon some persons then also it can be struck down by the Courts It must satisfy the requirements of article 14 of the Constitution

Therefore, I submit that nothing is involved so far as fundamental rights are concerned The Bill, as it claims to be, is only a temporary measure till 1958 and it does not seek to give itself any more life, though there are amendments to the effect that it may be given a longer life Government is not asking for much, and, in any event, I do not see any legal impediment for the passage of the Bill

Shri Nath Pai: This Bill which we are called upon to discuss, the Essential Services Maintenance Bill, I should like to submit, at the very outset, is a result of the failure to discharge the essential duties on the part of Government If the Government had been heeding and paying attention to the justice of these demands, if matters were not allowed to drift till the last minute comes, there is reason to believe that there would not have been any need or necessity for introducing this Bill into this House

The Bill reflects a panicky mentality and I am afraid that like the remedy proving worse than the disease, the Bill may bring about conditions by force which the Government is contemplating to cure It may release a feeling of anger against those who try to deprive us of the rights that have been given to us by the Constitution and which we have won by fighting for a very long time And, here, I must say in fairness, in our history, that in building some of the rights which now they are attempting to take away, very many Members of the opposite benches, the Treasury Benches have played an honourable role But, if they choose to forget those rights, I do not think we can accommodate them in that We shall do everything to persuade them, to prevail upon them that this Bill must not be allowed to be passed. I did not expect after what we had to submit to this House only two days back about the justice or otherwise, about the reasonableness or unreasonableness of the demands, that we will be called upon to take that issue However, we shall be confining ourselves specifically to the issue of the justification of the Bill itself Since the issue of reasonableness of the demands has been raised here, I should like to make a brief reference I do not want to take the time of the House I know the limited time that you have alloted. But I shall plead with you for a little indulgence because I am the first speaker from my party and secondly I happen to be the Chairman of the body which has been condemned here and so it will perhaps be in the fitness of things that I be given an opportunity to defend it before this sovereign forum of our nation

15 hrs

I had at one time thought to deal with this Bill and mend it in the form of amendments Later on I came to request you to give me a chance to participate in the general debate because I came to the conclusion that it is impossible to improve it, a porcupine, however much you may convert it, will remain a porcupine, even if you remove its quills All the amendments that we can move to this Bill will not take away the poison that is there The most skilful surgeon who can perform operations with graftings using the latest surgical skill can perform an operation but it will not make a monkey a man All the amendments moved will not remove the monstrosity of the Bill *(Interruptions)*

I now come to the question of the reasonableness of the demands. The hon. Home Minister referred to certain sentiments. So far as the sentiments are concerned, there is not any difference in any section of the House. It is when he advances certain arguments that the difference arises and we have to say 'No, we cannot agree'. These facts are not based on truth.

Here is one paper which cannot be accused of being socialist. It is a very reasonable paper which has not been normally opposing the Government in power—the *Times of India*. This paper in its editorial note has to say something on these demands. Some of these people also know some economics. It says:

> "Nobody likes to get his head broken and go on strike. Starving people demand relief because the Government has failed to control and to hold the prices any longer. It has no idea of the extreme hardship of low-paid staff. It also lacks an emotional awareness of the common man's difficulties. Strong feelings inspire strong action."

This verdict is from people who are known in this country normally to err on the side of conservatism—not on the side of what is euphemistically called as irresponsible or impatient. This is their verdict.

Figures have been quoted to show what will be the consequences. In my appeal to the Ministry of Communications the other day only, I have said that we are conscious that we must always bear in mind the likely repurcussions and consequences of our demands and how they will affect the Plan. We admit all these factors and the organisation took care to see that the demands, while removing some of their minimum grievances, did not conflict with the long-term national interest. Every care was taken to see that there is harmony between the demands of the striking workers and the long-term national interest.

But what happens? We get this Bill in reply to that. Only the other day, I have pleaded here that it should not be and it is not beyond the realm of constructive thinking and courageous leadership to reach a solution which would be acceptable to all concerned. What do we find? We find the Bill and then certain arguments which are not likely to clarify the issue but, if allowed to go unchallenged, are likely only to add to the confusion and cloud the main issue.

May I just read a few figures here to show what is happening. There is suffering. If there is suffering what are we going to do? What are the steps that we take to remove them? Here are some pertinent statistics—the index number of real earnings and the index number of prices. They conclusively prove to the House that the real income of the working classes has gone down and so there is a lot of misery which has been the fate of the majority of the working classes or rather the majority of the people of this country.

With 1944 as the base year, this is the picture we have. In 1945, the real income is 99·7; in 1946, it is 97·47; in 1948 it is 104·4 and in 1949 it is 112. Now, it will not be making much sense if I go on reading like this. I now come to 1953—131·2. What was the picture of the price index. Beginning with 1945, it is 100. It is 106, 102 and 134 for the respective years to which I referred in connection with real income. When we come to 1953, it stands at 145. The cost of living stands at 145 but the real income stands at 131·2. That is the position if we take 1944 as the base year but which was not really a good base year for this type of calculations but I do not want to make much of that. Do these facts lie? Do we manufacture them? Somebody said that it is the Federation that is driving and inciting them to strike. No, Sir. It is adding insult to injury; it is the hunger and shame of going into the street without clothes and the necessities of their children. I saw in my constituency during the elections how people were dying in that

[Shri Nath Pai]

area—not literally—but children who were starving; there was no nutrition. It is this that drives a man to strike. It is not somebody's instigation. Our people are not so easily incitable. I do not accept this slanderous accusation that anybody can go and incite them to take a step which runs counter to the national interest or which is likely in the long run to do damage to the people of this country People go on to strike because they are forced to

It has been said by the Home Minister: 'Let us bear in our minds the vital interests of the country' It is a plea to which all can warmly respond If on this basis we try to tackle certain issues, where shall we come? Do we enhance the prestige of this House and strengthen democracy in the country, if times without number, we are confronted with such a spectacle and when we come to this House and beg for justice, peremptorily we are dismissed because they have a majority with which they can do it? With the same rule of that majority they can turn down out anything Then when something comes and the nation gets into difficulties, they will grant it be it the question of Andhra or other, certain tragic things must happen and then only Government will come to its sense.

It is the same policy with regard to the Pay Commission. How many times has it come before the House? We have justified the demand You gave the first Pay Commission years ago The economic conditions have changed in the country out of recognition. Grant this request and let us see what comes out and let us see what can be implemented out of it What was wrong about it? It was on the strength of the majority again that they turned down. What is praise-worthy about it? I am unhappy about it Then, you grant it when confronted with the threat to strike Don't you add to the democratic values, to the prestige of this House and strengthen democracy in this country if you concede the justness of the demands in this House and grant them with grace? That is my plea for the future.

I must say here something about these demands being granted. Part of them, it must be conceded to the Government, have received sympathetic consideration There are some others which we thought, could be granted without doing any injustice to anybody and without doing any harm to our vital national interests.

Then, I come to the question of strike I do not want to repeat it but some of the hon Members were not present and some new Members have come It was not done, it was never considered to be a matter of trial of strength with the Government Everything was first attempted, and only as a last resort this strike method was resorted to, or an attempt was made by the workers concerned to resort to strike According to me, I am fully satisfied that they had been making as decent an effort, as conciliatory effort as is possible under the circumstances to reach an amicable settlement with the Government, and it was the failure of this effort that necessitated the taking of the strike decision on the part of the unions concerned

There was this point, this could have been referred, they say, the question of interim relief We always thought that our economic structure was not going to collapse if such a gesture was made of goodwill, so that the right mood is maintained in the nation. After all, a Plan is not a mechanical thing That is the greatest drawback of the Plan, that we are never getting the people to be enthused about it. If the Plan is to succeed, we must make the people feel that it is you and I who are going to benefit by this Plan, you are going to inherit all the prosperities that come off, these are the benefits that will be coming, and right now we can only give this much A small

concession by way of interim relief would not have destroyed the economy of this country We know we will not be bullied, we will not be frightened, we will not be accepting such an explanation that the economy of this country was going to collapse if an interim relief like Rs 15 or Rs 20 was granted to workers How much more, Sir, will be lost if the strike comes about? How many man-hours will be lost, how many other things may be happening?

Therefore, we still plead, we continue to plead that there is nobody wanting to use the big club with the Government The struggle is not against the Government, the fight is not against the ruling party, the fight is against hunger, the fight is against starvation, and on that grinding poverty enters If they understand that, even at this late hour, in this spirit, we may reach a solution

I must turn now to something which has been mentioned here, about the question of Confederation I am very sorry to submit that we heard in this House a distant but definitely disturbing echo of Macarthyism That muendos should be dropped first It is wrong It should not be done The other day when such an insinuation was made in this House, the only reply made was that time will take care of such charges and I shall not be wanting in acrimony, I shall not be wanting to take the time of the House Even now at this stage an effort is made to mislead a very large section of public opinion in this country—I am not holding brief for the Communists or anybody—by attempting to make a case that this Confederation, of which I claim I am the President, is a communistic body, or inspired by Communists Here are the documents They cannot produce documents, but I can produce them So that good traditions are maintained in this country, I say, appoint a commission of this House to investigate what happened, but do not go on like this This is a very dangerous method to adopt Macarthyism is dying in the country of its birth, let it not be given a re-birth in the Gandhian country Try to destroy this kind of methods

Here is the constitution of the body of which I am the President. Here is the report of the Preparatory Committee of which a venerable patriot of this country was the Chairman, who was a Member of this House—Shri Sarangadhar Das The first President was Shri N M. Joshi and I am the third I do not think anybody can remotely say, or the Communists would like to classify us as their friends or as members of their party. But, here is this suggestion made that this is a Communist made body There is this thing that I should like to point out, that I am prepared to place all the documents—I do not know whether I am making any mistake in the procedure, I am open to be corrected—for examination, and I am prepared to submit to the verdict of this House

But, after having said this, I will plead with them, let us not resort to this kind of methods, it does not do any good anywhere A lie uttered against anybody not only hurts the person concerned but vitiates the whole atmosphere

Shri V. P. Nayar: It is the privilege of the Home Minister

Shri Nath Pai: Now, about this Bill, it tries to take away a right which has been enshrined in our long history and in the Constitution In an indirect way that will be suppressed. The Law Minister, who is a very intelligent Minister so far as his department goes, will come tomorrow and try to say that I was trying to mislead the House on the question of its being sanctified in our Constitution. The Constitution gives this right When this right is violated or taken away the worker has also a right. What is this preliminary right? It is contained in article 39 which says

> "That the citizens, men and women equally, have the right to an adequate means of livelihood;"

[Shri Nath Pai]

When he does not get that, he has a right to refuse to work for those who do not give that

The hon. Railway Minister once made a very fine pronouncement which can go as a guide for a long time to come. He said: "Any employer who cannot give an adequate wage to his worker has no right to exist, has no right to be an employer" This is not taken from any leftist revolutionary; these are the words of the hon. Minister for Railways

Now, Sir, in the few minutes that I hope are still left for me, I want to talk about the Bill itself. I have been studying as much as I could because they try to rush us through the Bill—some of the precedents in other countries on this point There is this Bill, which almost rent England into two, the Industrial Disputes Act, 1927. This Bill has not been enforced in England. Even in that, what is called obnoxious Bill in England, this provision that the strike is a crime does not exist. I want to appeal to them to look it up carefully The right to strike is not taken away by the Industrial Disputes Act The right of the worker to strike does exist even in this Act, which is regarded as "black Act" in the history of the growth of British trade unionism

Our Act does even that I know the reaction of a veteran Member of this House When I appealed to the old patriot in her she said: "Do you know what is contained in the Bill? Have you seen the Bill? Why do you get so much upset?" What are we to do when the rights which have been there for generations are presently snatched away under some pretext? Are we not to fight every inch for the preservation of those rights?

Look at this Bill What do you find? If you give some money to the strike you can be punished If you incite the workers the police will arrest you The policemen have been given powers of arresting You know, Sir, how our police normally behave I do not want to draw any indictment against the police. But the time has come when we must be very very careful before we arm our police with additional powers. With the powers that they already have, the rights of the working class should not be left to the tender mercy of the police, its lathi, baton and bayonet.

Taking section by section will take a long time I submit, if this Bill is passed, I appeal to the patriots, to the democrats who sit on the other side, that some of you also have played a part in bringing this working-class movement to the stage where it stands. Many of you have suffered for getting the country's freedom. Many of you continue to suffer to strengthen democracy. Let us not be panicky about the strike that is coming. Let us still hold our courage Let us remember that everything is not lost. Let us not get into this Bill This Bill must not be allowed to pass

My last appeal on behalf of those workers—I want to repeat this—is that anything that is not noticed, anything that is primarily good, anything like this interim relief is open to discussion, but let us give up using the big club To quote only the Prime Minister, I have got the minutes of what transpired when he received a delegation of the P & T workers wherein he says: "Let us cease glaring at one another across the bench and try to approach one another that there is something common which we can ever build" That stage is not passed even at this last hour

On behalf of those who come under the Confederation, and as a citizen of this country, I want to appeal to them that that stage has not passed where the big club should be handled, but still something can be saved if only we adopt the right attitude and see that in granting what is due to the workers the Government is not being defeated, but the Government's policy rests primarily on justice.

Swami Ramananda Tirtha (Aurangabad): Mr. Deputy-Speaker, Sir, the tone and temper of the discussion have been even and I am glad that those who have participated have tried to be sober and temperate. Everybody had his own grounds and everybody has adduced arguments. It is not a happy situation or occasion that has developed, which has forced the Government to come forward with a measure of this kind.

Mr. Deputy-Speaker: The hon. Member may kindly speak a little louder or he may come near.

Swami Ramananda Tirtha: I shall speak a little louder. The Government is coming forward with such a measure under certain emergent circumstances. Whether it is right or wrong may be a point at dispute, but to say that the Government should not have such right is something unthinkable. I have tried to hear the arguments of many Members. I think, as some of the friends have already pointed out, that in those countries where such situations do arise, certain powers of emergency are invested with the Government constituted under the law. Well, we talk of fundamental rights. Yes, there should be every reverence, and respect for these fundamental rights, but in the post-Independent India, we are losing sight of the fundamental duties. There is a duty to the nation; there is a duty to the community; there is a duty to the society. The fundamental right of a citizen is fundamentally circumscribed by the fundamental interest of the nation or the community. Let us not forget that.

The Members opposite may dispute the stand taken by the Government. It is not for me to justify the Government's stand. I do not hold any brief for it. I am speaking for myself. You cannot deny a democratic government, a government which continues to survive on the vote of the people going forward and saving the fundamental rights or the interests of the community by being infringed upon by a section of the people, either the working class or others.

I am not imputing any political motives even to the Communist Party. I do not know what their intentions are, but it is not my desire to impute any political motives. Let us consider the issue on its own merit. Now, howsoever we may desire to isolate this measure from the present or the impending strike of the posts and telegraphs employees or of those in the government services, why should the situation arise? I had no desire to participate in the debate today, but looking to the trend that was developing I thought that it was my duty to say a word of appeal. Do they still charge the Government that it stands on prestige? A fortnight back, as my esteemed friend Shri Dange said, the Government had turned down the demand for instituting a Pay Commission. Now, that has been accepted. Has the Government stood on prestige? No. Do not accuse Government of standing on prestige. The situation is being developed, is developing, where a particular political party wills it or not the nation's mentality is being directed or is taking a certain direction which shows that there is no respect for the nation's interests, and that only sectional interests are dominating. Let us make all sections of the nation feel that in this present emergency, we should not do anything that will hamper the onward progress of our second Five Year Plan. It is not sacrosanct. I quite agree that the second Five Year Plan may not be sacrosanct. But the present situation is such that we cannot allow it to be marred, even in the slightest degree.

What are the demands of the posts and telegraphs employees? The Pay Commission has been formed. So far as the interim relief is concerned, the Minister of Communications has given ample explanation and indication that the Pay Commission may also consider this aspect of their demand. The Labour Minister had said in so many words. What more do the employees want? Today, in the newspapers I

[Swami Ramananda Tirtha]

have read that there was a meeting of the posts and telegraphs employees union executive and they were waiting for the tone and the tenour of the discussions in this House on this Bill to take a final decision. The final decision is not going to come on the basis of the merits of the case or the manner in which the Government has responded, but on the tone and tenour of the discussion in this House upon the Essentical Services Maintenance Bill. That shows that there is no desire to come to a settlement.

It may not be the Members of the House. They are very sincere, but there is something which stands in the way of a settlement. What is that exactly? What should the Government do exactly? The Government has acceded to the request for a Pay Commission. The Prime Minister has said that the interim relief may also be considered. The Communications Minister has so clearly stated it.

Some minor and some major demands have been made. There may be certain demands which still remain to be met. For instance, Shri Dange just now told us that certain categories of employees had not been getting the advantage of certain off days. That may be considered. It is not a major demand. If there are certain minor demands that are still remaining to be met, is it not time for the posts and telegraphs employees' union or federation to withdraw its decision to strike? Should they not accept the formation of the Pay Commission? Only condemning the Government and not doing one's duty is not going to lead us anywhere. Let us not forget our duty. I would not have been happy to support this Bill, and fundamentally I am opposed to it, but under the circumstances, when the Government feels that it is necessary, I am not going to deny it that right. The country's interests cannot be thrown overboard and therefore I plead that the employees who have decided to go on strike should not go on strike.

Everyone, every Member of this House, whether he belongs to the Treasury Benches or the Benches opposite, is anxious to see that the legitimate interests of the people are met. But if one pushes to the extreme, then, everybody suffers.

Sir, Members of this House may not know that I began my public life as a labour worker, as a trade unionist, under the late revered N. M. Joshi whose name has been mentioned here. I have had something to do with the labour problem and I wish to point out that what little experience I have, there is a limit to which you can push matters, and you must effect a timely compromise, when it is not too late. If you do not do that, neither the employees whose interests you wish to serve nor the nation, nor even those who are conducting the strike will find themselves at an advantage.

I wish to plead with the Home Minister about a doubt that has been expressed by our friend Shri Masani who said that this period, that is, December, 1958, may perhaps be extended. I wish to make it clear that it should not be so. It should be definitely stated that there will be no extension of this measure, because, after all, it is an emergency measure.

Therefore, we shall not be doing right by opposing this Bill. We may be accused that we are supporting a Bill which is sinister and undemocratic. I have got every regard for whatever my friend, Mr. Nath Pai, who speaks very fluently, has said. We are thankful that he has appreciated whatever little sacrifices we have made for the cause of the freedom of this country; but let me remind him that there is a certain duty which I, he and everyone, owes and that duty is supreme. Do you call a man who comes forward to carry on the services a blackleg? Are all those who are going to maintain the services blacklegs and want to stab the strikers at the back? No; there is something more noble which prompts these

efforts and that the Members opposite should realise.

Sir, I do support this Bill.

Shri Khadilkar (Ahmednagar): Sir, I cannot deal with this measure in a superficial manner, I mean, in the manner of a lawyer, or a constitutionalist because this is very fundamental from the point of view of a social policy, which we have laid down for bringing about national development. If this measure is passed, what it would mean? We have got to decide once and for all, are we going to throw overboard the democratic method of planning, the democratic method of social development in this country and plan with the help of the police and bayonets? Ultimately it will result in a bigger social conflict and planning will be sabotaged. This is the fundamental objection to this measure.

This measure is the outcome of the failure of the Government's labour policy. I saw the tragic figure of our Labour Minister sitting in his place for sometime. When I read this Bill—I was out of station—I felt very sorry fer Shri Nanda, for all his life's idealism for which he has struggled to bring about settlements by persuasion, by give and take in a non-violent manner, without leading to conflict. That policy has certainly got a measure of success in this country. Primarily when this measure is before the House, it means the Planning Minister and the Labour Minister, if they are sincere and honest, will have to walk out of the House defeated, dejected and crest-fallen, because all their idealism is thrown overboard by this Bill.

Why has it failed? In this country, with a comparatively backward economy, when we are dreaming about social reconstruction by democratic methods, it was fundamental for its success to lay down a price policy, a wage and salaries policy and a profit policy. But there is no coherent national wage policy, price policy and profit policy. Therefore, Government are naturally caught up in a sort of vicious circle and therefore, they have come before the House with this measure. There is a sort of relief offered, which I do not consider really a solution of the problem. They have amounted, "We are going to appoint a pay commission." Pay commission is a very popular demand. Superficially, when you look at it, you feel that the pay commission will be able to recommend some measure of relief but fundamentally the pay commission is not the authority to lay down the wage policy. If a wage policy is laid down and then the pay commission is appointed, they can do something by which the labour will find out in what particular category they stand, what amenities they will get and there will not be any difference or any injustice to one section of employees and another section. That can be done by a pay commission.

But the device of a pay commission is the most deceptive device. I do not see why some of the labour leaders have made it a slogan. I do not think it is worthwhile appointing a pay commission and awaiting its findings because we have seen, the arbitration machinery that we have, has not succeeded in producing results. What do we find? They have failed to evolve a consistent labour policy. You have been dealing with the problem piecemeal. When the question of railway employees arises, we consider the Railway Minister responsible and deal with them piecemeal. When the dock workers go on strike, some other Minister is responsible and they are dealt with piecemeal. This piecemeal, hand to mouth method of dealing with the labour problem or the wage problem is fundamentally wrong and is inconsistent with the social ideals that we have set before us, of socialist reconstruction.

Shri Dange suggested that we can gear our wage policy to production. Unfortunately I do not share his optimism, because in an backward economy like ours, it is very difficult to

[Shri Khadilkar]

gear wage policy to production. That wage policy will have to have some connection with the social ideal and the economic resources at our disposal; it will have to be implemented in that manner. Before bringing this measure, you have promised to the employees that you are going to appoint a pay commission. What it means at this hour? There is a popular story among villagers. A hungry guest goes to landlord's place. The landlord decides to play a cruel joke on him. He promises the guest all sort of thing, "You are welcome; I am preparing some sweets and what not? Wait, things are coming". The guest waits and waits for the whole day and ultimately he is disillusioned to find that it was a cruel joke. At this hour there is a big gap between the real wage and the money wage. Unless some effort is made to bridge this gap in some way, there will not be any satisfaction That must be perfectly realised and this cruel joke should not be played on the workers. That would be my first submission.

The second thing I would like to stress is this As I said at the beginning, we will get an opportunity to go through the Bill clause by clause, but I do not think we will hardly succeed in amending it to our liking The provisions will remain on the statute-book as they are What would be the result? You will have to look at it from that point of view To meet an emergency, in order to cover the failure of the Government to evolve a coherent wage policy, they have brought this measure By bringing this measure and putting it on the statute-book, they are telling the employees, "Look here; your rights of organisation and other democratic rights to get minimum grievances redressed are gone once and for all You have got to rely on your higher officers and humbly submit to them If they are a little generous and accept your petition, you must be satisfied Otherwise, you have no other right under the present Constitution to organise collectively and put before the Government your own case and get things done"

Therefore, if you want the social ideal, the policy that we have placed before the country, a socialistic pattern of society constructed by democratic methods to succeed to keep this Bill on the statute-book will be always a source of unrest, a source of conflict. As I said while speaking on the general discussion of the Budget, in a multi-class society like ours, when we are, on the one side, trying to meet the demands of dire necessities of the people and on the other side, to increase production, earnest efforts must be made to bring about a compromise at all levels. I am very happy that the Leader of the Communist Party today has said that he will not be lagging behind in bringing about such a compromise. Therefore, even at this late hour, without standing on prestige, if all the representatives on this side and the Treasury Benches make a joint appeal to withdraw the strike and bring about a settlement later on, I think we can do much to save the policy which we, in a panic, are prepared to throw overboard

I would like to appeal to the Treasury Benches Before making this final appeal, I would like to make an appeal to the Prime Minister Shri Jawaharlal Nehru He exercises a certain amount of moral authority over and above the Constitution and its provisions He should exercise his weight on the side of those Government employees or semi-Government employees or other employees who are today demanding some justice. If he could pull his weight in that direction, I do not think that this measure will be in any way necessary. But if the bill is passed as it is, on the contrary, what would be the result? Bitterness, frustration They will obey. After all, they have got to fill their belly There is a family; there are dependents. There is a lot of unemployment in the middle classes. But, that obedience will not in

(ii) any railway service or any other transport service for the carriage of passengers or goods by land, water or air,

(iii) any service connected with the operation or maintenance of aerodromes, or with the operation, repair or maintenance of aircraft;

of course, this is new:

(iv) any service connected with the loading, unloading, movement or storage of goods in any port;

(v) any service in any mint or security press;

(vi) any service in any defence establishment of the Government of India connected with the manufacture, storage or distribution of arms, ammunition, or other military stores or equipment;

(vii) any service which the Central Government, being of opinion that strikes therein would prejudically affect the maintenance of any public utility service or would result in the infliction of grave hardship on the community may, by notification in the Official Gazette, declare to be an essential service for the purposes of this Act;"

If the words 'utility service' or 'essential service' had remained as they did and it was left to the interpretation of courts, then, it was very likely that the definition in section 2(n) of the Industrial Disputes Act may become applicable. But it is quite possible for any one to argue that an essential service is not a utility service and surely it must be left to the Government of the day to decide which is an essential service because there may be an essential service not envisaged in the Industrial Disputes Act or anywhere else for that matter which may really strangle the life of the country or cause serious hardship. Therefore, the power given to the Government for notification under 2(2) with reference to 2(i) (vii), is in order.

Some reference was made to delegated legislation. Surely, any notification made by Government has to be placed before each of Parliament as soon as may be after it is made and shall cease to operate at the expiration of forty days from the re-assembly of Parliament unless before the expiration of that period a resolution approving the issue of the notification is passed by both Houses of Parliament. That will prevent the Government from acting hastily, if any attenmpt is made to act outside the scope envisaged under the Essential Services Maintenance Bill. This is on a par with the other Act which we passed the other day, the Essential Commodities Act. These are all necessary legislation which will help the Government to keep pace with the Plan which is before the nation and which has been accepted on all hands. And, to work out that Plan, Government have to arm themselves with this power.

It is rather amusing that when the Defence Estimates came up before this House, many hon. members got up and said that we must have Jet planes, submarines, cruisers etc. which will cost many lakhs of rupees and at the same time to hear that we must reject the Essential Services Maintenance Bill and that we should concede the demands whatever they may be. What is the meaning and the full implication of the bill is an aspect on which I do not want to take much of the time of the House.

Some reference was made to the fundamental rights. After all the right under article 19(c) is governed by cases. One of the cases with regard to association is V. G. Rauscase. What is really guaranteed in article 19(c) with regard to the formation of associations or unions is governed by reasonable restrictions; it saves legislation, which in the interest of the

[पंडित ठाकुर दास भार्गव]

(e) to form associations or unions;

(d) to move freely throughout the territory of India;

(e) to reside and settle in any part of the territory of India;

(f) to acquire, hold and dispose of property; and

(g) to practice any profession, or to carry on any occupation, trade or business."

मैं अर्ज करना चाहता हूं कि शायद आनरेबल मैम्बर भरूचा साहब ने (जी) के ऊपर ज्यादा जोर दिया है । मैं आपको बतलाना चाहता हूं कि सब के सब, सिवाय एक फंडेमेंटल राइटस के जोकि एसोसियेशन और यूनियंस से ताल्लुक रखता है, इंडिविजुअल नेचर (व्यक्तिगत प्रकार) के हैं जो किसी एक आदमी को इनफ़ादी हैसियत में एफेक्ट करते हैं । ये कारपोरेट लाइफ (सामूहिक जीवन) को एफेक्ट (प्रभाव) नहीं कर सकते। जितने भी राइट्स है सब के अन्दर यही है । ऐसी सूरत में मैं पूछना चाहता हूं कि कैसे स्ट्राइक (हड़ताल) को रोकने वाला बिल फंडेमेंटल राइटस, जो एक इंडिविजुअल के है, के खिलाफ जा सकता है । स्ट्राइक की तारीफ यह है कि स्ट्राइक एक आदमी को हाथ नहीं लगाती, एक आदमी को अख्तयार है कि वह नौकरी छोड़ कर चला जाए, जिस किसी प्राफेशन को चाहे करे, कोई भी उसे रोक नहीं सकता है । स्ट्राइक की पहली तारीफ यह है कि एक से ज्यादा आदमियों की अंडरस्टैंडिंग, कामन अंडरस्टैंडिंग (सामूहिक विचार) कामन इनटैंशन (सामूहिक इच्छा) कंसर्टड रिफ्यूजल (सामूहिक इन्कार) होनी चाहिये और सैसेशन आफ वर्क (काम छोड़ना) होना चाहिये ।

Cessation of work not by one man, but by a number of people.

जहां तक इन फंडेमेंटल राइट्स का ताल्लुक है, इनको यह बिल टच नहीं करता है । इस बिल के अन्दर इन फंडेमेंटल राइट्स को बचाया गया है अगर उनको चट करना होता तो गवर्नमेंट यह बड़ी खूबसूरती के साथ लिखकर इस राइट को फ्लाउट (उल्लंघन) कर सकती थी लेकिन हमने गवर्नमेंट को इसके बारे में कोई भी किसी किस्म की ताकत नहीं दी कि वह फंडेमेंटल राइट्स के साथ खेले । फंडेमेंटल राइट्स के ऊपर जब कभी किसी किस्म की लिमिटेशन (प्रतिबन्ध) लगाई जाती है तो हमारे पास अख्तयार है कि हम सुप्रीम कोर्ट (उच्चतम न्यायालय) में जायें और उस चीज को गलत करार दिलवा दें, इललीगल करार दिलवा दें। सुप्रीम कोर्ट यह कह सकती है कि जो लिमिटेशन लगाया गया है वह जरूरत से ज्यादा है और उस सूरत में यह सारे का सारा बिल गलत हो जायेगा । हमारे फंडेमेंटल राइट्स सिर्फ एक सूरत में ही लिए जा सकते हैं और वह है दफा ३५९ जिस के अन्दर यह कहा गया है कि एमरजेन्सी (आपात काल) डिकलेयर (घोषित) हो जाए । सिर्फ उस सूरत में हमारे फंडेमेंटल राइट्स छीने जा सकते हैं वर्ना नहीं । और किसी भी आर्टिकल के तहत फंडेमेंटल राइट्स को छीनने का गवर्नमेंट को अख्तयार नहीं है । कांस्टीट्यूशन हमको जो चीज देती है, वह यह गवर्नमेंट या कोई और गवर्नमेंट हम से छीन नहीं सकती है, हम से वापिस ले नहीं सकती है । अगर यह बात गलत है, अगर मेरे दोस्त यह समझते हैं कि यह बिल फंडेमेंटल राइट्स के खिलाफ जाता है, तो सुप्रीम कोर्ट का रास्ता खुला है और वे वहां जा सकते हैं । लेकिन मेरा यह पक्का यकीन है कि यह बिल हर्गिज भी फंडेमेंटल राइट्स के खिलाफ नहीं है । अगर यह बिल लाख लोगों के राइट्स पर छापा मारता है तो जरूर यह मामला सुप्रीम कोर्ट में जाएगा और वहां पर ठीक हो जाएगा । लेकिन मेरा तो यह पक्का यकीन है कि यह बिल फंडेमेंटल राइट्स के खिलाफ नहीं जाता है ।

जनाबेवाला, क्या मैं आपका ध्यान आर्टिकल २३ की तरफ दिला सकता हूं जिस में गवर्नमेंट के राइट्स का जिक्र है, पब्लिक के राइट्स का जिक्र है ? इसमें लिखा है :—

"Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them."

जिस के माने यह हैं कि ऐसे मामलो मे कि जहा गवर्नमेंट को जरूरत हो, गवर्नमेंट कंसक्रिपशन कर सकती है, कम्पलसरी सर्विस (बाध्य सेवा) ले सकती है विदाउट डिसक्रिमिनेशन (बिना विभेद) । इस वास्ते यह कहना कि यह बिल किसी सूरत मे भी किसी नुक्ते खयाल से भी, फंडेमेंटल राइट्स के खिलाफ जाता है, कतई गलत बात है ।

मिस्टर नाथ पाई ने हमारी तवज्जह दफा ३९ की तरफ दिलाई है जिस का हैडिंग (शीर्षक) है डायरेक्टिव प्रिंसिपल्स आफ स्टेट पालिसी (राज्य नीति के निदेशक तत्व) मेरी समझ मे नही आया है कि किस तरह से यह बिल फडेमेंटल राइट्स के खिलाफ है । उन्होंने इसमे से जो पढ़ कर सुनाया है, उसे मैं आपको पढ़ कर सुनाना चाहता हूं :—

"The State shall, in particular, direct its policy towards securing—

(a) that the citizens, men and women equally, have the right to adequate means of livelihood."

वह कहते हैं कि इस डायरेक्टिव प्रिंसिपल्स को यह बिल आफेंड (विरोध) करता है । मैंने जितनी भी स्पीचिज हुई हैं उनको सुना है । अभी मेरे दोस्त ने विल्लेजर्स (ग्रामीण) का जिक्र किया है, उसको भी मैंने सुना है। लेकिन मैं नाथ पाई साहब से कहना चाहता हूं कि मैं चाहता था कि मेरी आवाज भी उनकी आवाज की तरह बारीक, सिलवरी और साफ होती ताकि मैं उनकी ही तरह से उसी टोन में जवाब दे देता । आज जो लोग यहा पर खड़े होकर आर्गेनाइज्ड लेबर के रिप्रिजेंटेटिव (सगठित श्रमिकों के प्रतिनिधि) होकर, या एक ऐसे डिपार्टमेंट के एम्पलायीस के रिप्रिजेंटेटिव होकर जो कि एक पब्लिक सर्विस डिपार्टमेंट है, यहा पर बोलते हैं, क्या जनाब डिप्टी स्पीकर साहब, मैं आपकी इजाजत से उनकी तवज्जह दफा ४३ की तरफ दिला सकता हू जिस में कि लिखा है .—

"The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas."

क्या मैं अर्ज कर सकता हूं कि जिन को हम यहां पर रिप्रिजेंट करते हैं जिनका आज हम यहा पर जिक्र करते हैं, जिन के राइट्स का आज हम यहां जिक्र करते हैं, वह आज क्या पाता है और इसके बारे में हमारे स्टेटिसटिक्स (आंकड़े) क्या कहते हैं ? आज एक एग्रिकलचरल लेबरर (कृषि श्रमिक) १०८ रुपया सालाना पाता है, आज उसकी आमदनी १०८ रुपये साल है । उसके मुकाबिले में दूसरे लोगों की आमदनी क्या है ? उनकी आमदनी २० या २५ रुपये माहवार (मासिक) तक है या २८२ रुपये एवरेज सालाना इनकम(आय) है । अब मैं पूछना चाहता हू कि क्या पी० एंड टी०

[पंडित ठाकुर दास भार्गव]

वाले या दूसरे लोग या इनमें से कोई भी शख्स २० रुपये या २५ रुपये से कम तनख्वाह पाता है। आप पब्लिक सर्वेंट्स् के लिए एडिक्वेट मींस आफ लाइवली हुड (जीविका के पर्याप्त साधन) की बात करते हैं। मैं आपसे पूछना चाहता हूं कि जो दूसरे लोग है उनके एडिक्वेट मीस आफ लाइवलीहुड कम गवर्नमेंट ने मुहैया कर दिए हैं। जिन जिन चीजों का आर्टिकल ४३ में जिक्र है क्या उन उन चीजों को गवर्नमेंट ने मुहैया कर दिया है। लेकिन इन सब चीजों के साथ साथ यह भी दर्ज है कि गवर्नमेंट अपने रिसोर्सिस के मुताबिक यह सब काम करेगी। गवर्नमेंट मिरेकल (चमत्कार) नही कर सकती है। आज देश के अन्दर इतनी गरीबी है, जिसका कोई ठिकाना नही है, आज देश की इकोनोमी भी खराब है, आज जबकि वह अपने नौकरों को ठीक तनख्वाह नही दे सकती है, आज जबकि लोगों की इतनी आमदनी भी नही है कि वे पेट भर सकें, आज जब कि बहुत ज्यादा अनएम्पलायमेंट (बेरोजगारी) है आज जबकि २० रुपये के करीब एक आदमी की आमदनी है, उस सूरत में इसका जिक्र करना कि इन सर्वेंटस को ही एडिक्वेट मींस आफ लाइवलीहुड मिले, और दूसरो का चाहे कुछ बने या न बने मैं समझता हू, वाजिब नही है, दुरुस्त नही है। आज इस हाउस के अन्दर इस बात का जिक्र करना कि इस बिल के जरिये से फडेमेंटल राइटस् खत्म हो गए हैं, मैं समझता हू, ठीक नही है और यह खयाल ही गलत है।

यहा पर इडस्ट्रियल डिसप्यूटस एक्ट का जिक्र किया गया है। इस एक्ट के अन्दर अगर आप देखें तो आपको मालूम होगा कि बडी भारी पावर्स गवर्नमेंट को मिली हुई है। अगर आप public utility service की तारीफ इडस्ट्रियल डिसप्यूटस् एक्ट (औद्योगिक विवाद अधिनियम) मे देखे तो आपको मालूम हो जाएगा कि वह तकरीबन तकरीबन वही है, जो तारीफ कि इस एसेशल सर्विसिस मेंटेनेंस बिल में दी गई है। उसमे तो यहा तक लिखा गया है कि गवर्नमेंट जिस किसी चीज को भी चाहे पब्लिक युटिलिटी सर्विस करार दे सकती है। यह पब्लिक युटिलिटी की तारीफ में दिया हुआ है। ऐसी सूरत में क्या फर्क रह जाता है।

श्री त० व० विट्ठल राव (खम्मम्) : जरा इडस्ट्रियल डिसप्यूटस् एक्ट में इसको देखिये तो।

पंडित ठाकुर दास भार्गव : मैंने देखा हुआ है। कहा यह जाता है कि स्ट्राइक करने की जो इस एक्ट में इजाजत थी, उसको ले लिया गया है। लेकिन इंडस्ट्रियल डिसप्यूटस् एक्ट में क्या है ? उसके तहत भी गवर्नमेंट यह कर सकती थी और उसका कुछ बिगडता नही था। जब भी नोटिस आया था उसी दिन वह ट्रिब्यूनल (न्यायाधिकरण) मुकर्रर कर सकती थी और अगले ही दिन यह कह सकती थी कि स्ट्राइक नही हो सकती। इसके अन्दर आप देखें कि इस बात का प्राविज्न मौजूद है और गवर्नमेंट को इस का अख्तियार हासिल है कि बावजूद ट्रिब्यूनल मुकरर करने के वह अगले दिन यह डिक्लेयर कर सकती है कि the strike cannot continue, it shall become illegal. बरूए दफा १०(३) व दफा २४(ii) [10 (3) & 24 (ii)] *(Interruptions)*

पडित ठाकुर दास भार्गव जरा सब्र से सुनिये आपको सब मालूम हो जायगा।

Mr. Deputy-Speaker: He might address the Chair and the House as a whole, and perhaps they would also be listening to that part which comes to their share.

पडित ठाकुर दास भार्गव मैं अर्ज कर रहा था कि इसके अन्दर जो प्राविजस मौजूद है उनमें ट्रिब्यूनल मुकरर करना भी

जरूरी नहीं है । मुलहजा हो दफा १० (१) का दूसरा प्रोवाईसो । अगर आप इस सेक्शन को मुलाहिजा फरमायेंगे तो पायें ट्रिब्युनल मुकरर करने के साथ साथ ही सारी स्ट्राइक को ही इललीगल करार दे दे । गवर्नमेंट के पास बहुत पावर्स है लेकिन वह डाइरेक्टली यहां पर इस बिल को लेकर आई और इस तरह सारे देश को इस बातकी इत्तिला दी है कि मुल्क और कम्युनिटी के ऊपर क्या क्राइसस है और क्या इमरजेंसी है और वह देश को बतला रही है कि उसके सामने क्या संकट उपस्थित है वरना अगर वह चाहती तो उसके पास बहुत पावर्स थीं और वह यह स्ट्रेट कोर्स न एडाप्ट करके एमरजेंसी डिक्लेयर करके इस सिचुएशन को मीट कर सकती थी ।

अब मैं अर्ज करूंगा कि मेरे दोस्तों को क्या शिकायत है । अगर एक आदमी स्ट्राइक करे तो जुर्म नहीं बनता लेकिन जब एक से ज्यादा आदमी मिल कर उसको करे तो वह जुर्म बन जाता है । सेक्शन १२० आई० पी० सी० में गैर कानूनी कामो के करने के वास्ते जो कौंसपिरेसी होती है वह जुर्म होता है । लीगल एक्ट्स के वास्ते इललीगल मींस के इस्तेमाल से क्रिमिनल कौंसपिरेसी हो जाती है । आखिर मंशा क्या है, आज सारा पी० एंड टी० डिपार्टमेंट काम करना बंद कर देती है, कल टेलीफोन वाले हड़ताल करने का नोटिस दे देते है, परसो इनकमटैक्स के मुलाजिम स्ट्राइक का नोटिस दे देते है, इसके अगले रोज पुलिस वाले हडताल का नोटिस दे देते है और फिर हमारी फौज वाले भी स्ट्राइक का नोटिस दे देते है, तो इस तरह तो सारे देश भर का काम ठप्प हो जायगा, तो इस खराब हवा का रोका जाना बहुत जरूरी है और अगर गवर्नमेंट उन फोर्सेस को जो बाहर से उनको इस तरह की मिसचिफ के लिए इसाइट करती है, कट्रोल करना चाहती है और उनको उस फेल के करने से रोकना चाहती है तो मैं नहीं समझता कि इसमें वह कौन सी गलत बात कर रही है ।

इंडस्ट्रियल डिस्प्यूट्स और गवनमेंट की जो एसेंशियल सर्विसेज हैं उनमें फर्क है । इंडस्ट्रियल डिस्प्यूट्स में आम तौर पर प्राइवेट आदमी एम्पलायरर्स होत है लकिन यहां पर गवर्नमेंटएम्पलायर है और दूसरे पब्लिक सर्विसज में जो लोग काम कर रहे हैं मसलन् कास्टेबुल, पटवारी या तार बाबू और डाकखाने का बाबू, यह लोग वैसे तो पबलिक सर्वेंट्स है लेकिन हकीकत में मास्टर्स बने हुए हैं और इस बात को कौन नही जानता कि असल में मुल्क के अन्दर सारे पबलिक सर्वेंट्स मास्टर्स है । आज मास्टर और मास्टरों के के दरमियान लड़ाई हो रही है । अगर यही पी० एंड० टी० या टेलीफोन के कर्मचारी आर्मी या नेवी में होते तो उनकी यह स्ट्राइक का नोटिस देने की कार्यवाही म्युटिनी समझी जाती, अगर पुलिस डिपार्टमेंट में होते तो ऐसा करने पर उनके साथ और तरह की डिपार्टमेंटल कार्यवाही की जाती । आखिर मिलेटरी डिपार्टमेंट और पुलिस डिपार्टमेंट की तरह यह पी० एंड टी० और टेलीफोन आदि वाले भी तो गवर्नमेंट सर्वेंट्स हैं । जब दोनों गवर्नमेंट के एक समान अंग हैं तो फिर इस तरह का फर्क कैसा ।

Shri T. B. Vittal Rao: In the Industrial Disputes Act, there is no prohibition of strike.

Mr. Deputy-Speaker: The hon. Member is trying to convince only one section and he may not succeed there

पंडित ठाकुर दास भार्गव : जनाबवाला मुलाहिजा फरमायेंगे कि वर्कमेन की जो तारीफ इडस्ट्रियल डिस्प्यूट्स ऐक्ट में दी हुई है, उन चन्द एक क्लाजेज को इसमें निकाला हुआ है लेकिन उसके साथ ही मैं अदब से अर्ज करना चाहता हूं कि ३११ आर्टिकल (Article) आखिर किस के वास्ते

[पंडित ठाकुर दास भार्गव]

बनाई हुई है, यह पबलिक सर्वेंट के वास्ते बनाई हुई है । दफा १९७ सी० आर० पीसी में गवर्नमेंट सर्वेंट्स को बड़ी छूट दी हुई है । यह कोई ही बयान दे आयें इन पर उसके लिए कोई मुकद्दमा नहीं चल सकता और इनका कोई कुछ नहीं बिगाड़ सकता जब तक सरकार इजाजत न दे ।

इसके आगे चलिये । आप देखेंगे कि रेलवे विभाग ने रेलवे ट्रैक और प्रापरटी आदि की सुरक्षा के लिये अपनी अलग पुलिस भरती कर ली और उसके मुताल्लिक अभी चन्द ही दिन हुए हमने यहां पर एक बिल पास किया है । यहां पर फ्रांस जैसा सिस्टम तो नहीं है कि जहां पर हर एक पबलिक ओफीशयलज की क्लास ही अलहिदा है लेकिन सब जानते हैं कि जहां तक हमारे मुल्क के पबलिक सर्वेंट्स का ताल्लुक है पबलिक सर्वेंट्स और ए क्लास ब ई देमसेलवस् (are a class by themselves (स्वयं एक श्रेणी है) यह कहना कि और प्राइवेट कर्मचारियों की तरह उनमें और गवर्नमेंट में एम्पलायर और एम्पलाई का सम्बन्ध है, गलत है । पेड लेबरर्स को हम देखते हैं कि उनकी नौकरी की कोई सिक्युरिटी नहीं है और आज उनको काम मिल रहा है तो कल उनको जवाब दे दिया जाता है और वे भाड़े पर काम करने वाले होते हैं लेकिन गवर्नमेंट सर्वेंट के साथ यह बात नहीं है । उसको सर्विस में सिक्युरिटी रहती है और जहां उसको पेंशन ग्रेजुएटी वगैरह की सहूलियत रहती है वहां उसकी स्टेट और पब्लिक के लिए ड्यूटी भी रहती है । गवर्नमेंट सर्वेंट्स जैसा कि होम मिनिस्टर साहब ने ठीक ही फरमाया एक मरसेनरी एम्पलाई नहीं है और वह सरकार, देश और जनता के प्रति एक ड्यूटी को करता है । एक गवर्नमेंट सर्वेंट से यह तवक्को नहीं रक्खी जाती कि वह इस तरह गैर जिम्मेदाराना तौर पर बिहेव करे और एक ऐसी क्राइसिस पैदा कर दे जिससे तमाम मुल्क का काम ठप्प हो जाय । कलकत्ते के अन्दर कोई आफत मची हो और यहां तार से उसकी खबर न आ सके, किसी का रिश्तेदार मर रहा है और उसको चिट्ठी न पहुंच सके, इस तरह से तमाम लोगों की लाइफ को डिस्टर्ब कर देना और इस तरह से गवर्नमेंट को पैरेलाइज कर देना, अगर इस तरह की हरकत हमारे गुमराह गवर्नमेंट सर्वेंट्स करते हैं तो सरकार का फर्ज हो जाता है कि वह आगे बढ़ कर इस क्राइसिस का मुकाबला करे और उनको इस तरह की बेवजा हरकतों के करने से रोके । अगर इन को न रोका गया तो इस तरह तो सारी गवर्नमेंट ही खत्म हो जाती है और देश का तमाम कामकाज और नार्मल लाइफ खत्म हो जाती है । ऐसी हालत में मैं तो गवर्नमेंट को यही कह सकता हूं कि अगर फंडामेंटल राइट भी उनको स्ट्राइक करने का हो तो भी गवर्नमेंट आर्टिकल ३५२ के मातहत मुल्क में स्टेट आफ अमरजेंसी डिक्लेयर करके उन फंडामेंटल राइटस को खत्म कर दे ।

16 hrs.

हमारे दोस्त डांगे साहब या श्री नाथ पाई ने कहा कि यह सरकारी कर्मचारियों के फुड और हंगर का मामला है और बिल्कुल सीधी सी बात है, मैं ऐसा नहीं समझता कि यह मामला इतना सीधा है जितना कि उन्होंने हमको बतलाया है । जहां तक गवर्नमेंट का ताल्लुक है उसने पे कमिशन मुकर्रर कर दिया है जो कि गवर्नमेंट सर्विसेज के बारे में सब चीजों पर तफसील से विचार करेगा और उसमें गवर्नमेंट के आदमी नहीं हैं जो इस बात का अंदेशा हो कि वे गवर्नमेंट सर्वेंट्स के इंटरैस्ट्स (हितों) के खिलाफ जायेंगे । मैं अदब से अर्ज करना चाहता हूं कि गवर्नमेंट ने पे कमिशन मुकर्रर करके वह काम कर दिया जो कि गवर्नमेंट को करना चाहिये था ।

गवर्नमेंट ने इस चीज में अपनी प्रेस्टिज या जिद का कतई खयाल नहीं रखा और मुनासिब तो यही था कि गवर्नमेंट के इस स्टेप का और मुकदम किया जाता और कम से कम उसके फैसले का इंतजार किया जाता ।

अब जहां तक फौरी इमदाद दिये जाने का ताल्लुक है तो होम मिनिस्टर साहब ने जो यह फरमाया कि अगर १५, २० रुपये की भी सरकारी मुलाजिमों की तनख्वाहों में बढ़ोत्री की गई तो गवर्नमेंट पर १०० करोड़ रुपये का एडीशनल बोझा पड़ेगा, मेरा तो कलेजा यह सून कर मुह को आता है कि इतना जबर्दस्त बोझा हमारे मुल्क और सरकार पर पड़ेगा । इसके अलावा इस का एक दूसरा पहलू भी है । सेंट्रल गवर्नमेंट सर्वेंट्स के अलावा राज्य सरकारों के कर्मचारी भी हैं और अगर अकेले सेंट्रल सर्विसेज की तनख्वाहें बढ़ा दी जाती हैं और उनकी तनख्वाहें जो पहले से ही कम हैं नहीं बढाई जाती हैं तो ऐसा करना उनके साथ नाइसाफी होगी । अब मैं आपको बतलाऊं कि मेरी कोठी के अन्दर इनकमटैक्स डिपार्टमेंट में जो भंगी काम करता है उसको तो ६५ रुपये या ८५ रुपये महीने मिलते हैं और जो स्टेट वाला भगी है उसको उसके मुकाबले बहुत थोड़ी तनख्वाह मिलती है हालांकि दोनों का एक ही काम है । नेचर आफ वर्क एक हो और सिर्फ इस वजह से कि वह सेंटर का है और वह स्टेट का मुलाजिम है, इस तरह का तनख्वाह में भेदभाव बर्ता जाना कुछ मुनासिब नहीं जचता । सेंटर के पबलिक एम्पलाईज की तनख्वाह में १५।२० रुपये की बढ़ोती करने का मतलब यह होगा कि १०० करोड़ रुपये का एडीशनल बोझा हमारे मुल्क के बजट पर पड़ेगा । जनाब वाला, जिस आदमी की सालाना आमदनी १०८ रुपये है उसकी बेहतरी के लिये, उसको जिन्दा रखने के लिये, उसको एम्पलायमेंट देने के लिये यह फाइव इयर प्लान लायी गयी है । ऐसे वक्त में गवर्नमेंट को फैरेलाइज करने की कोशिश की जा रही है । शायद मेरे लायक दोस्तों का मशा यह नहीं होगा लेकिन मे उन की खिदमत मे अर्ज करूंगा कि शायद वह यह नही देखते कि इस चीज का क्या असर होगा । अगर गवर्नमेंट ने इन लोगो को पेम्पर किया तो गवर्नमेंट की और नान-ओफिशिल्स की अलाहिदा अलाहिदा क्लास हो जायेगा हम कहेंगे कि गवर्नमेंट और उसके आदमियों के लिये ही हिन्दुस्तान बना है, हमारे लिये नही बना है । मुझे आप एक भी ऐसा गवर्नमेंट सरवेंट बतलाइये जिसकी हालत एक मामूली मैन इन दी स्ट्रीट (सामान्य व्यक्ति) की हालत से ज्यादा अच्छी न हो जो उससे ज्यादा अच्छा न खाता हो, ज्यादा अच्छा न पहनता हो और ज्यादा अच्छे मकान मे न रहता हो । अब जब कि सिर्फ दो चार वर्ष की बात है, तब ये लोग गवर्नमेंट से अपना पाऊंड आफ फ्लैश लेना चाहते हैं । मैं जानता हूं कि सब चीजों की कीमते बढ़ गयी हैं लेकिन क्या ये सिर्फ पबलिक सरवेंट के लिये ही बढ़ी हैं । श्री कृष्णामाचारी ने उस आदमी तक का कपड़ा महंगा कर दिया जिसकी सालाना आमदनी १०८ रुपये है । जहां तक खुराक का सवाल है मैं डांगे साहब से इत्तिफाक करता हूं कि इस मामले मे हमारे यहां मिसमैनेजमेंट है । वेजेज का तरीका ठीक नही है । इस साल देश में इतना अनाज पैदा हुआ है कि हरगिज हरगिज क्राइसिस नही होना चाहिये था । मुझे यकीन है कि देश के अन्दर अनाज की कमी नही है । लेकिन कुछ लोगों ने अनाज होर्ड कर रखा है । गवर्नमेंट कहां तक जा जा कर देखे । अभी हमारे यहां प्राइस पालिसी ठीक नही है । जिस देश में इतनी गुरबत है वहां यह कहा जाता है कि सब की तन्ख्वाह बढ़ा दो । मैं चाहता हूं कि इस अर्से में ऐसे कदम नहीं उठाये जाने चाहिये कि आप गवर्नमेंट के हाथ बांध दें । यह नही कहना चाहिये कि हमको इतना दो नही तो हम जाते हैं । मैं डांगे

[पंडित ठाकुर दास भार्गव]

साहब की बात सुन कर दंग रह गया। मैं जानता हूं कि वे जो फरमाते है अपने दिल से फरमाते हैं। लेकिन जो कुछ डांगे साहब कहते हैं उसको अगर सारे कम्युनिस्ट भाई अमल में लायें तो मैं कहूंगा कि डांगे साहब में और गवर्नमेंट में कोई फर्क नहीं है। उन की भी जगह उसी तरफ होनी चाहिये।

एक माननीय सदस्य : हो जायेगी।

पंडित ठाकुर दास भार्गव : हो जायेगी, अगर वे जो कुछ डांगे साहब ने कहा उस पर अमल करे लेकिन मे क्या देखता हूं। जहां कहीं भी झगड़ा होता है या क्राइसिस पैदा होने वाला होता है, वहां सब से पहले हमारे कम्युनिस्ट भाई पहुंचते हैं। मैं कम्युनिस्टों के खिलाफ कुछ नहीं कहना चाहता क्योंकि उनके कुछ उसूल मुझे बहुत पसन्द हैं। लेकिन ताहम मैं जो एवीडेंस देखता हूं वह दूसरी ही है। मैं डांगे साहब की इस बात से इत्तिफाक करता हूं कि हर एक पबलिक सरवेंट को इतनी चीज मिले जोकि उसके लिये जरूरी हो। मैं यह एक मिनट के लिये भी नहीं चाहता कि हमारे पबलिक सरवेंट को तकलीफ रहे। लेकिन मैं यह नही चाहता कि जब सारा देश सेक्रीफाइस (कुर्बानी) कर रहा हो तो वे अपना पाउंड आफ फ्लैश मांगें। जनाब वाला, कमीशन बन जाने के बाद, मुझे उम्मीद है कि उनकी सारी शिकायते दूर हो जानी चाहिये।

अब मे इंटैरिम राहत के बारे में कुछ अर्ज करना चाहता हूं। इसका बहुत जिक्र किया गया है। जनाब वाला खूब जानते है कि जब कोई शख्स मुकदमा दायर करता हैं परमानेंट इंजंक्शन के वास्ते तो वह इंटैरिम इंजंक्शन के लिये भी दरख्वास्त दे देता है और अगर उसको इंटैरिम इंजंक्शन मिल जाता है तो वह समझता है कि आधी लड़ाई तो जीत ली। जो शख्स इंटैरिम रिलीफ देगा उसने पहले यह मान लिया कि दर असल इस वक्त जो वेजेज दी जा रही हैं बहुत कम हैं। हम गवर्नमेंट में रोजाना देखते हैं कि किसी की तरक्की होती है सन् १९५७ में लेकिन उसकी तनख्वाह लगती है सन् १९५५ से। अगर यह सही बात है कि इन लोगों को इंटेरिम रिलीफ मिलना चाहिये तो कमीशन को यह सिफारिश करने का अख्तियार होगा कि इनको सन् १९५७ की फलां तारीख से या ९ अगस्त से या १९५६ से या १९५५ से रिलीफ दिया जाये। लेकिन आज यह कहना कि पहले यह फैसला कर दो कि गवर्नमेंट की पालिसी गलत थी, मेरी राय में दुरुस्त नही है।

मैं एक बात और अर्ज कर दूं। मेरे एक लायक दोस्त ने फरमाया कि वे ब्लैंकेट पावर्स मिलने के बाद "गवर्नमेंट विल बी मास्टर आफ सिचुएशन"। लेकिन जब मैं सेक्शन ३ को पढ़ता हूं तो देखता हूं कि यह गवर्नमेंट के लिये पाबन्दी नही है कि वह सारी इसेंशियल सरविसेज को नोटिफाई करे। इस का यह मतलब है कि अगर सिर्फ तार वाले हड़ताल करते हैं और पोस्ट आफिस वाले और रेलवे वाले नही करते तो उन के खिलाफ यह कानून लागू नही किया जायेगा। मैं अर्ज करना चाहता हूं कि अगर रीजनेबिल एटीच्यूड अख्तियार किया जाये तो इस कानून की जरूरत ही नही होगी। ये एक्स्ट्राआर्डिनरी किस्म की पावर्स हैं, ये इंडस्ट्रियल डिस्प्यूट्स के तहत भी नही आती। अगर रीजनेबिल एटीच्यूड अख्तियार की गयी तो कोई वजह नही है कि इन पावर्स को काम मे लाया जाये। मुझे वह दिन याद है कि जब प्रोविजनल टिटेनशन बिल के समय सरदार पटेल ने कहा था कि अगर गवर्नमेंट को यह पावर नही दी गयी तो न हम होंगे और न आप होंगे। उस वक्त हम ने एक दिन मे यह

कानून पास कर दिया था और वह आज भी स्टेट्यूट पर है। वह असल में हार्मलैस कानून है। जब वह हमारे सामने आता है तो हम देखते हैं कि उसके अन्दर टीथ नहीं है, उसको इस्तैमाल ही नहीं किया जाता। वह गवर्नमेंट की आर्मरी में एक अनयूज्ड वैपन की तरह पड़ा रहता है। लेकिन उस की जरूरत है। इसी तरह इस पावर की भी जरूरत है। हो सकता है कि किसी शख्स के दिमाग में यह बात आवे कि वह गवर्नमेंट को पेरेलाइज कर दे तो उस मौके के लिये गवर्नमेंट के पास ये पावर्स होना जरूरी है। लेकिन बिला जरूरत गवर्नमेंट इसको यूज नहीं करेगी। मैं डांगे साहब और नाथ पाई साहब की आवाज में अपनी आवाज मिलाना चाहता हूं कि जहां तक हो इन पावर्स को यूज न किया जाये। मैं अदब से अर्ज करना चाहता हूं कि कोई गवर्नमेंट अपने आदमियों से झगड़ा करना नहीं चाहेगी। जैसा कि होम मिनिस्टर साहब फरमाते हैं, ये लोग तो गवर्नमेंट के बच्चे हैं और गवर्नमेंट को उन की वैलफेयर की फिक्र है, क्योंकि अगर वह सैटिसफाइड होंगे तो गवर्नमेंट का काम अच्छा चलेगा और अगर वह अनसैटिसफाइड होंगे तो दिक्कतें पेश आवेंगी। अगर उन का रीजनेबिल एटीच्यूड रहा तो इन पावर्स को इस्तैमाल करने की जरूरत ही नहीं होगी मैं जानता हूं कि गवर्नमेंट अपने सरवेंट्स से झगड़ा करना नहीं चाहती। पर मैं दूसरी साइड से भी अर्ज करना चाहता हूं कि वे देश के इंटरेस्ट्स को देखें। आज दुनिया इस चीज को देखकर हंसती होगी कि इस देश के अपने ही आदमी देश की मुखालिफत कर रहे हैं। मैं पी० एन्ड टी० के वर्कर्स और आफिसर्स से बहुत अदब से अर्ज करूंगा कि उन का कलेम दुरुस्त भी हो तो भी वे स्ट्राइक न करें क्योंकि ऐसा करने से लोग कहेंगे कि इस देश की पब्लिक सरवेंट ही गवर्नमेंट की मुखालिफत कर रहे हैं।

मैं एक बात और अर्ज करना चाहता हूं और वह यह है कि अगर ऐसा मौका आ ही गया कि स्ट्राइक किया गया तो मैं हर शख्स से जो कि इस मुल्क में रहता है, अपील करूंगा कि वह इसकी मुखालिफत करे और इस को कामयाब न होने दे। मैं ने जनाब को दफा २३ पढ़ कर सुनायी और जनाब को और भी दफायें मालूम हैं जिन के मुताबिक हर एक सिटीजन का यह फर्ज है कि अगर कोई गवर्नमेंट को पैरेलाइज करना चाहे तो उस कोशिश को सब मिल कर फेल कर दें। मैं चाहता हूं कि किसी का स्ट्राइक फेल न हो। लेकिन अगर कोई ऐसी हालत पैदा कर दे कि लाइफ मुश्किल हो जाये और अगर कोई सारी सोसाइटी को रैसम पर लाना चाहे तो सिर्फ यही चारा है कि उस स्ट्राइक को फेल किया जाये। आखिर पे कमीशन कितने दिनों में फैसला करेगा। अगर ये लोग रीजनेबिल रहेंगे तो इस पार्लियामेंट के मेम्बर उनके साथ होंगे, हम गवर्नमेंट के साथ नहीं होंगे। लेकिन अगर वह यह चाहते हैं कि गवर्नमेंट को मजबूर करा कर यह काम करवा लें तो मैं अदब से अर्ज करूंगा कि हर एक आदमी का यह फर्ज है कि गवर्नमेंट की मदद करे और इस स्ट्राइक को फेल करने में मदद दे।

Shri Frank Anthony: Mr. Deputy-Speaker, Sir, I have tabled an amendment that this Bill be referred to a Select Committee which should report back by the 7th instant. I believe my amendment seeks to assist both the Government and the workers. I know not much time is given to report back, but I feel that this is a vital matter and it affects not only a section of workers, but it will affect the body of workers throughout the country.

I have also given notice of a series of amendments and the effect of them is to confine this Bill to the P. & T. workers, and I hope that Government will give consideration to my amendments, because I believe the amendments—they may be varied in Select

[Shri Frank Anthony]

Committee—will assist the Government and will help to establish industrial peace in this country.

I feel—I may be mistaken, but I have had not a little to do with railway workers for the best part of 20 years—I feel that if Government persists in this Bill in its present form, it will not only undermine but it will destroy Government's position with regard to industrial workers in this country. Worse than that, it will give unlimited grist to the Communist mill.

I feel that Government has got issues confused. It has not been able to get the priorities in correct order. Presumably, it is Government's case that the workers are pressing their demands in an unreasonable way, acting in an intransigent manner, and the Home Minister not only hinted but indicated very difinitely that there is a pattern of engineering by the Communist Party in this country. If that is the Government's case, I cannot understand the attitude which Government has taken up. I know that because these issues are overlaid by the manipulation of a particular party which is not interested in the workers but is interested in power politics, we are losing sight of the issues.

I feel that the remedy—if Government wants to do justice to the workers; and Government's intention is to do justice to the workers—is, first of all, to get rid of this influence which tends to cloud the issue. I say this without any qualification that if Government's policies were clear, if Government's thinking in these matters was clear, if you say that there is a pattern of instigation, there is this concatenation of definite engineering, what is your first duty? To strike at the people who instigate and who engineer. Why is not Government banning the Communist Unions, banning the Communist Party? That is Government's first duty.

Shrimati Renu Chakravartty: Bring an amendment.

Shri Frank Anthony: It will have to be through a separate Bill.

If the Government was logical, if the Government was clear, that would be the irresistible conclusion to which it would come. The people who are instigating the workers, who get their issues, their real grievances mixed up with their power politics—get rid of them. Then we will be able to see the issues clearly and we will be able to win now the chaff from the grain.

What is happening? I have not the slightest doubt that the P. & T. people have very real grievances. But many of their grievances will not be redressed, many of their grievances will go by default. I blame the P. & T. workers for allowing their Unions to get into the influence of the Communists. They are to blame.

Shri Dange mentioned about the RMS people not getting leave. Why should not they get leave? Why should Government have not listened to these grievances for a period of two years? Today, because the P. & T. workers have allowed themselves to be stampeded by the Communists, their legitimate grievances will not be dealt with. That is my deep regret in this matter.

And today, the Government is to blame. If you want to deal with your workers, deal with their grievances. Shove off extraneous complications which are injected into the issues by the Communists. The first thing to do is to cut off the source of infection. What is the good of lopping your workers, lopping the limbs of your P. & T. people, people who have no ideological affiliations with the Communists? What was the good of your antagonising railway people, who by and large have nothing to do with the communists? So, I say, your first priority is to eliminate the communist

influence from the labour fields. But, Government is not prepared to do it. On the other hand, Government today dallies with the communists; it almost flirts with them every now and then when anything is required, and when any encomium is to be produced by importing from the highest echelons of the Government. That is what is happening There is confused thinking as a result of which you get these confused policies because you are not prepared to deal with first issues first.

I am not suggesting that the P. & T people have no grievances My own fear is that the P & T Department is not dealing with their grievances properly That is my fear I have a long and bitter experience of the Railway Administration Grievances which will not take one anna to redress, they will not redress I have very little doubt that this sort of thing has happened in the P & T today because these communists have come in, because they have perverted the issues, because they are exploiting the P & T people for their own political purpose, seeking to paralyse the Government in the Administration, to hold the country to ransom. That is why, while I have asked this Bill should be confined, in the first instance, to the P & T people because we have the facts before us, I have also in my amendment said that Government must refer their grievances to some kind of Tribunal or arbitration It is no good Government not dealing with the grievances. The Government must deal with the grievances of the workers Once Government deals with the grievances of the workers, if it goes more than half way to meet them, then Government has every right to adopt the most draconian measures against the workers That is why I feel, in this particular instance, we should take measures in this House *ad hoc* We know what the set of circumstances are, more or less with the P. & T. The Home Minister has told us why they cannot give interim relief. I myself am inclined to accept the Home Minister's point of view.

In speaking on the resolution with regard to the Pay Commission, I expressed my doubts. I said: What is the good of the communists ranting, we would all like everybody to get Rs 150 a month, basic pay? Let us come down to realities Let us not vitiate this by power politics If Government is to give Rs 10 a month to each Central Government servant, it may come to Rs 100 crores. Where can we find this Rs 100 crores? You cannot give this What I felt was that you should have a Pay Commission first of all to deal with anomalies, to deal with marginal adjustments before you attempt to undertake financial commitments which the country cannot carry But, what are we doing here?

My objection to the Bill is this. Because of the threatened strike of the P & T, we are dragging in all manner of essential services, not only named, but unnamed, those that may be declared essential in future Now, that is my objection to the Bill. What is Government asking us to do? As I said we know the position with regard to the P & T You come to us, we apply our minds to it and we say, yes, we will give you the necessary powers to declare this strike illegal and take all necessary stringent measures against the P. & T. What are you asking us to do now? My hon friend, Pandit Thakur Das Bhargava said that this is perfectly harmless What will Government do? I say with the greatest respect, when you give blanket totalitarian powers to any Government, the best intentioned Government in the world, we know what will happen We know the maxim, and it is quite true today that power corrupts. You are giving absolute blanket powers to the Government in this Bill. I know what will happen

With regard to the railway workers, what are you asking us to do? I am making an appeal to the Members of the Congress Party, to their individual consciences. I am not against giving the Government powers.

[Shri Frank Anthony]

with regard to the P & T strike. I say, if the men are intransigent, if they have been stampeded into this by communists, then they must carry sense to the communists We know the circumstances of this strike and we must deal with that on an *ad hoc* basis But, what are you asking us to do? You are asking every Member of this House to abdicate his duty to the country, you are asking us to abdicate every right recognised by the rule of law and democracy What is the meaning of this Bill? To give blanket totalitarian powers to the Government in respect of essential services and unnamed services? That I am not prepared to give to Government

To begin with, my friend says what are we doing? How is this different from the Industrial Disputes Act? It is different and different in a crucial respect If Government is not prepared to have this only for the P & T, my friend, Shri Masani has given an amendment If my friend says that there is no difference between this and the Industrial Disputes Act, then, I say, Government should accept Shri Masani's amendment because what is .....

Pandit Thakur Das Bhargava: I never said that there is no difference.

Shri Frank Anthony: All the difference is necessarily because Government has under the Industrial Disputes Act the power to prohibit a strike and to impose all the consequential penalties after a strike is banned But there is an obligation on Government first to conciliate, first to consider the grievances of the workers, and that is what I want the Government to do I want to be assured that wherever there are legitimate grievances, Government will refer them to a Tribunal I do not want this measure to be used as a measure to scotch the legitimate demands of workers in this country Once you pass this Bill, it will be used to scotch the demands of the workers in this country However legitimate their demands may be, they may make no sort of financial demands on Government, but Government will just invoke this to declare it illegal.

I was talking privately to my friend Pandit Thakur Das Bhargava and he said why should not apply it to the railwaymen, the Assistant Station Masters and Station Masters who have given notice of strike. I know they have They have, probably because there is this pattern, this communist pattern of creating an agitational atmosphere in this country The railway people are simple; they are honest, they are credulous and they get easily misled But, will you prohibit the Station Masters going on strike without considering the merits of their case? I know their case; they are not wanting extra money But given these blanket powers the Railway Board will say, ban this strike. I was asking that the anomaly which has crept in as a result of the mal-implementation of the Pay Commission report be rectified They are not wanting extra money But under the powers that you are giving you will never attend to these legitimate grievances You will adopt the line of least resistance and you will ban the strike and you will want to send to jail people who are only asking for justice to be done

Then, my hon friend has said that there is no denial of fundamental rights, and that we can go to the Supreme Court I do not know what the Supreme Court would do I am appealing to the conscience of the Member You give the fundamental right to form associations and to form unions What kind of fundamental right will that be? What is the implication of having a right so far as this formation of unions is concerned? Is it not the right to serve strike notices? It will be a meaningless fundamental right or a husky one if you say like my friend, Pandit Thakur Das Bhargava, that we are not preventing the formation of unions but

we are preventing the very discharge of the elementary and primary functions associated with the formation of unions. What is a Union meant for? To drink tea and coffee. That may be a function of Members of Parliament in the outside lobby. But that is not the function of a trade union. Its primary function is to bring pressure on the Government and bargain. What is the good of saying that we do not trammel or interfere with this fundamental right to form unions. Between the legislative enactment and the executive encroachments and the judicial erosion, what content is left in our much proclaimed Fundamental Rights? He is a lawyer and knows what content is there in article 14. There has been a progressive dimunition of the application of article 14. What content is there in article 19 when there has been this progressive interpretation and restriction. I was surprised at my friend who is a lawyer saying that the Preventive Detention Act—what is it—innocuous thing.....

Pandit Thakur Das Bhargava: In operation.

Shri Frank Anthony: The pronouncements of the Supreme Court had rendered it something which could not be attacked. The first pronouncement of the Supreme Court—I think it was Atma Ram's case—Justice Mahajan found untenable and struck down the detention. The latest pronouncement is this. There may be several untenable rounds but if they do not enter into the subjective satisfaction of the executive, preventive detention will not be interfered with. There has been this gradual erosion of the content and meaning of the Fundamental Rights. That is why I do not say I will go to the Supreme Court to see whether this infringes article 19(c). I prefer to appeal to the conscience of the hon. Members. Is it not denial of the right to form unions?

My regret is this. People like my friend, Pandit Thakur Das Bhargava for whom I have the greatest respect have come under the demoralising influence of this deadening of democratic consciousness in the country.

Shri Joachim Alva: We are a better democracy than UK and USA.

Shri Frank Anthony: My friend with his *ipsi dixits* should be given a special pedestal not in this House but in some museum.... (*Interruptions.*)

Mr. Deputy-Speaker: Order, order Perhaps the hon. Member has nothing to say.

Shri Frank Anthony: I have a great deal but these irrelevant interruptions unfortunately break my thought. He was asking where is the question of infringement of Fundamental Rights. He has also said that there is no question of any blanket power. What is going to be the effect of these powers given to the Government? I know what will be the effect and what will happen with regard to the railways.

The railways have a long evil tradition of a beauracratic organisation, unresponsive to the needs of the men. Today the needs of the railwaymen are treated with beauracratic indifference and contempt. With this measure what will happen? I do see that we have got a new Minister and I do not know whether we will be able to bring a breadth of fresh air into the railway administration. But, from the Railway Board down to the General Managers, they will use this power as a measure for victimisation of railwaymen and for terrorising them. There will be no attempt to address themselves to the legitimate grievances of our railwaymen. That is my fear that fear will materialise. The Bill will be abused and used as an instruments of oppression and terrorisation of railwaymen. That is why I plead to the Government. If you want to prevent strikes in the railways come to us when the railway misbehaves. You can deal with the help of these people. I hope the railwaymen will not be misled by the others. If they are misled, come to this House and justify a measure like

[Shri Frank Anthony]

this. But, why take this kind of power in advance and keep them in this state? What is going to happen? The communists will say this and that.

My friend, Shri Dange, is not here. I watched him speak. I have the greatest personal regard for him and for his powers as a debater. But, if I ever saw a parliamentary pandemonium, it was when Shri Dange was rehearsing his piece. People who support a system of repression and murder of democracy are being placed by the Government in a position where they are posing as the champions of democracy and the guardians of workers. It is an amazing thing but the Government has placed them in this ironical position by bringing the Bill.

Shri Dange's exercise in cynicism was made even more singular in that, he could not go to his fellow communist countries for any kind of democratic liberalisation; he has to quote what is happening in Britain, Japan and in USA to support the *bona fides* of the communists in India. That is quite amazing. Obviously he will have no support from his own communist countries. These poor misguided P. & T. people do not realise that the day that Shri Dange and his fellow citizens come in, they would not be able to give expression to their needs and if they did, they would be decapitated.....

Shrimati Renu Chakravartty: They should make you President of the Union.

Shri Frank Anthony: They should. As a matter of fact, I was offered the Presidentship of a P. & T. Union and I know to what extent the communists have corroded and to what extent they would take shelter behind my broad shoulders. That is why I refused it.... (*interruptions.*)

Some friends have said that only the workers are to blame. I do not say so. Is not there some obligation on the part of the Government? The Government says that it cannot give them any more money. Then, is it not the obligation on the part of the Government to frame its policies in such a way that at least the burden will be kept down to the minimum? What has happened? I have said in this House that the food policy is misconceived. When I say so, I get a blunt reply. What is wrong with it, they ask? Eighty per cent of the people are agriculturists and they are benefited by a small rise in prices. So, the price of foodgrains has gone up as there was no specific policy pegging their prices. The result is the urban worker, industrial worker, represented by the P. & T. and the railway departments are hit hard not only by Shri A. P. Jain but by his senior colleague, TTK. Fiscal policies of the Government have added to this. We were promised marginal increases as a result of excise duties. These are not marginal increases. Government has an obligation to see that prices in this country are not going up in spiral. When you do that, you will be in a position to justify in saying the workers: you must practise some kind of a self-denying ordnance in this matter. This sense of obligation of pegging price, of keeping in check the inflationary spiral that has been released by many misconceived fiscal policies. Then, I will join Pandit Thakur Das Bhargava in making an appeal to the industrial workers that for the period of the Second Five Year Plan they should not demand any kind of increase in wages.

Mr. Deputy-Speaker: I have to submit one thing. This House has fixed six hours for the general discussion. We began at 12-00 and we must conclude at 18-00. At 17-00 hours I shall call the hon. Minister for reply.

Dr. Krishnaswami (Chingleput): We began at 12·45. The Minister started speaking at 12-45.

Mr. Deputy-Speaker: The objections and other things that were raised also relate to this Bill.

Pandit Thakur Das Bhargava: We took up this Bill at 12-10.

Shrimati Renu Chakravartty: The first reading was to be given six hours. The first reading started at 12-45 and, therefore, six hours must be given from that.

Mr. Deputy-Speaker: What about the time we took in discussing points of order and other things relating to the Bill. That also has to be included in this. I will have no objection in giving a little more time for the general discussion, but the overall limit cannot be increased, because it has been fixed by the House itself. Those six hours for the general discussion also have been approved by this House.

Pandit G. B. Pant: If the Members are so anxious, you may give them another half an hour and call me to reply at 17-30.

Mr. Deputy-Speaker: We will see what can be done.

Shrimati Ila Palchoudhuri (Nabadwip): Mr. Deputy-Speaker, Sir, I will not waste any more time in other discussions about the time for discussion and all that, and I shall go straight to the point about this Bill.

This Bill has been brought in an atmosphere where there is a certain tension in the country, and when my friend opposite, Shri Nath Pai, said that this shows the panickyness of the Government, I would rather put it the other way, it is to prevent panick in the country that a Bill like this has been necessitated.

I do not think that anybody is happy about this Bill, because it leads to all sorts of reactions that nobody wants. The bringing of this Bill will not do away with the causes that caused this strike. When this Bill is passed it will give a weapon in the hands of the Government to keep order and the community in safety. Perhaps, it will give in the hands of the Government some means of putting down strikes that may occur. But, at the same time, the Government will have to use this Bill very judiciously.

In this connection I want to point out that there are disparities in the Pay Commission that you have brought about. It does not apply to all classes of employees but only to the Central Government employees, to two million employees. What about the 40 million people who are suffering today? I think a Pay Commission only to go into certain sections of the people is not enough. There should be a National Pay Commission to go into every kind of service in the Government, in the States and in every kind of semi-government organisations. Even to this day in the semi-government organisations, in local bodies such as municipalities in States and small district towns, there are people in the conservancy services getting Rs. 6 a month as their pay. Can you beat it? Can anybody exist on this pay.

Hence the atmosphere of strike is ripe when things like this are a fact. I do not say that the Bill should not be brought. But the atmosphere must be changed. By bringing a Bill we can, perhaps, to a certain extent bring legislation. But, we cannot alter the atmosphere unless the Government is there to alter it for the good of all. I will certainly plead for Government to avoid strikes in future. You may be able to avoid it by passing this Bill, because people in essential services will have a feeling that if they strike they will be put in prison. But, how can you put in prison the mentality, the sense of frustration of the workers when things that are really necessary are not given? You will have to see that this mentality is corrected.

I am not opposed to the Bill. I wish that the Bill should be there but, at the same time, this atmosphere that leads to this feeling of strikes must be corrected by Government after this Bill is passed. Although it will be passed, as Shri Nath Pai said, because you have a great majority in this House, it must also be remembered that this great majori-

[Shrimati Ila Palchoudhuri]

ty has been won after free elections, and we do represent the people. Undoubtedly, there is a great majority but that great majority will have to use this Bill with a great deal of caution.

The P. & T. workers, at least to my knowledge, brought their grievances to the notice of the Central Government in December, 1956 and until June, 1957 there was not very much done about it. When grievances are brought to the notice of Government, let them be redressed quickly, let negotiations go on as far as possible, as soon as possible with the people. As our Prime Minister has said, let there be no glaring across the table, and let there be the spirit of co-operation.

There were 30 demands of the P. & T. workers. I was for some time connected with the P. & T. Union, although I do not represent them any more to the extent I did, but I know some of their grievances and some are very legitimate grievances. There may be some political colouring, I do not want to commit myself on that, but at the same time some of their grievances have been legitimate grievances. I have myself gone to the Ministers and sometimes they have been redressed. Out of the 30 demands of the P. & T. employees many have been redressed and I think it has come down to six or even five about which they are much concerned. Could not something be done to come to some sort of a negotiation to remove this feeling from their minds?

Although you may avert the strike by this Bill, how can you change their mind? Let negotiations go on till the last minute, so that they can be satisfied. I have brought in one or two amendments to the Bill. As the clauses come up I shall put them up to the Minister. I hope that the Minister will certainly take into account my amendment to the clause on page 3 of the Bill where you have given powers to any police officer to arrest without a warrant anybody that he suspects. If my amendment be accepted, it will lead to better feeling. Otherwise that clause smacks of storm-troopers! It should certainly be an officer not below the rank of a police sub-inspector or assistant police sub-inspector.

You have taken up this Bill in the spirit of negotiate for peace but keep your powder dry! By all means keep your powder dry, but do not use it uselessly. Negotiate for peace all the time. When there are cases of strikes imminent, or frustration imminent, then set your machinery afoot so that you can prevent things happening. If a petrol pump is likely to be attacked, cordon off that area. If stores are likely to be attacked, cordon off that area so that the stores are not attacked; and you do not have to resort to unnecessary firing.

Therefore, I appeal to you, when you have got your powder dry and you are negotiating for peace, use it with the utmost sympathy and judiciousness. This Bill will go a long way in helping us to carry on with our Five Year Plan, because unless we have peace, unless we have the actual co-operation of the workers, we won't be able to go through with our Plan. At the same time, if this Plan is going to over-ride us, if the Plan is too heavy that there is no food, no clothing for the people, that plan, in whatever way you may like to put it, phase it, review it, whatever you do must be done. There must be a certain amount of money to give the absolute necessities of life, so that even in spite of this Bill the people may not feel frustrated, downtrodden and have feelings against the Government, and they will feel that they are being carried with the Plan and they get the things on which they have a legitimate right. I hope that right will not be taken away from them, and that they will be free to come to the Government and place their demands and Government will find ways and means to meet those justifiable demands.

Shri Narayanankutty Menon: Mr. Deputy-Speaker, In the beginning I am constrained to draw the attention of the House to a very significant and important phenomenon in that if we had a look into the Treasury Benches this morning, when the Bill was taken up for consideration, there was a distinct absence of the Minister of Labour who ought to have been there when such a legislation which takes away the rights of about three million employees is being discussed in this House. In effect, this Bill is not one which is to maintain the essential supplies of this country but this Bill is one which takes away the right of three million employees who have already been covered under the Industrial Disputes Act. The Industrial Disputes Act which has been passed as a labour legislation in this country under which the working classes of this country have been given certain rights under the auspices of the Labour Minister and piloted by the Labour Minister of this Government, who should theoretically ought to be the custodian of the rights of the working classes now, and the Labour Minister has abdicated intentionally his functions to the Ministry of Home Affairs, the latter having taken charge of the Labour problems of this country. The absence of the Labour Minister exposes to the people of this country and this House the fate of the working classes which now rests in the hands of the Police Minister.

In the objects and reasons of this Bill, it has been stated that the main and important demand of the posts and telegraph's employees have been conceded and after the concession has been made of the most important demand of the posts and telegraphs employees and other employees, their going on strike is so unreasonable. Are these people so impertinent? Have these people become so unpatriotic? Have these 1½ million employees become unreasonable and have they refused to abide by the recommendations of the Government? Why do they still want to strike? When such things come from the mouth of the Home Minister, when this is put to the people of this country that when the main demands of the workers have been conceded, still, the workers persist in going on strike, certainly the people are asked to believe, to devour, that the workers are unreasonable and are against the country.

What are the main demands? To put them in a nutshell, it was first the appointment of a Pay Commission to revise the wages that have been fixed ten years back. Along with the strike notice, seven most important demands were also given, the first being the demand that has been pending for 15 years of 80,000 extra-departmental staff of the posts and telegraphs department which my hon. friend who has just spoken, putting things very well, referred to, and another being the question of the interim relief which has been already decided upon first by the Government. Regarding interim relief, the Home Minister said this morning that it is impossible for us to give interim relief, and the hon. Minister of Transport and Communications said the other day in the radio interview that it may be left to the Pay Commission to decide whether an interim relief is necessary or not. Whatever might be the merits of this question, whether the question of interim relief could be decided, discussed and debated is also a question to be considered.

Ten years back, the Pay Commission was appointed and it went into all questions relating to the subject and made certain recommendations, and it was the Government on the other side who refused to implement the recommendations of that quasi-judicial body. The workers of the posts and telegraphs department and those who were affected by the recommendations of the first Pay Commission wanted for ten long years to get a decision of that semi-judicial body to be implemented and if they now ask to get it implemented, namely, that part of the interim relief regarding dearness allowance, is it too much? Is it unreasonable?

[Shri Narayanankutty Menon]

The Home Minister comes and tells us after that decision was placed before him ten years back, that it is an unreasonable demand and that the Government could not meet it Which is unreasonable? It is for you to decide. It is for this House to decide. It is for the people to decide it. When the Government have shown intranigence, after announcing the Pay Commission, not to negotiate the remaining demands, the remaining demands themselves being so important, how can the Home Minister tell the House that the main demands of these workmen have been conceded?

After the announcement of the Pay Commission, from both sides it has been made distinctly clear that by means of negotiations a settlement could be reached and whatever might have happened in the past, could be written off and a new and cordial atmosphere could be had and developed in this country Everybody in this country was looking eagerly to avert the calamity I was looking for that negotiation to continue, but as a bomb-shell came on Saturday morning this Bill that has been brought up here, and I have to ask before this House whether the provisions of the Bill in anyway mark a helpful atmosphere for negotiations to continue

By means of this Bill the Home Minister has openly declared that we are not standing for a negotiated settlement, that we are not standing for an amicable settlement, but we are standing to meet the challenge of the strike. The challenge is not from the workmen; the challenge is not from the posts and telegraphs employees, because they demand, they beg, only their share which they ought to have got ten years back, the challenge is from the other side, who say that, determined as they are to refuse this demand, "we are determined to see that a Bill is passed so that all your demands are buried in this Bill".

Coming to the provisions of the Bill, I should like to say a few words. When the Industrial Disputes Act is there, the Government could have very well declared the strike of the posts and telegraphs employees illegal by issuing a notification including the posts and telegraphs employees and the rest and so forth, that those services are essential Why should the Home Minister comes before this House if similar provisions are incorporated in a different Bill? The meaning is simple It is clear because, under the Industrial Disputes Act, if the Government wishes to declare the strike illegal, there is an obligation on the part of Government to refer the dispute to a tribunal and then only, the strike would be declared illegal So, it has been made clear that the Government does not want to have a settlement and does not want to refer the dispute to the tribunal and at the same time say, "most of the demands are met and therefore we are going to declare the strike illegal" and so all those powers are taken

Under the pretext and cover of meeting a national emergency which today really does not exist, under the cover of a major national emergency, that has been fostered up and fomented up because of the action from the other side, this Bill has come up Not only that By the emergency that has been shown by this Bill before this House, the express rights of the workers are going to be taken away I pointed out this morning clause (vii) and said what might be the technical implications of it. By that Government seek to arm themselves with power to declare certain industries as essential industries, certain strikes as illegal strikes, etc What really happens is that the Government wants to take away all power to declare all industries in this country as essential industries and to declare

strikes as illegal. So, in a sense, the attempt is not to settle the problem of the posts and telegraphs employees. It is not an effort to honestly settle this problem that is before the Government, because it is left to the Government without satisfying any principle, without even conceding the demands on the spot, to take powers unto themselves.

The only question is, let a third party, an independent party, decide about this dispute. Whatever might be said about the economics of this demand, the economic implications on the country and its finances, is it for the prosecutor to say that this is the demand and this is the result of what has been going on? What has been demanded is justice, justice by a third party and if the Government says "no, we are the prosecutors and we want to decide," certainly that is not justice to the employees.

An hon. Member—unfortunately he is not here now—spoke in the first half of his speech about the contents and the implications of this Bill on the working classes of this country. Because of his affinity to those classes, many things have been put forward by the hon. Member.

But unfortunately, in the latter part of his speech, he made certain insinuations. We are not surprised at those insinuations, because they came from the real root of the hon. Member. The hon. Member spoke of the leader of the communist group referring to England and America and quoting real instances. He was really forgetting himself the real problems of the workers, with whom at present he has no contacts. The past he has disclosed. While he was speaking quoting instances of different countries to refute the arguments placed in support of the Bill, against the demand of the P. & T. employees, certainly that is an argument to meet the Government.

17 hrs.

Finally, I appeal that the difference of opinion between these employees who are going on strike on the 8th August and the Government, which is the employer, is very very narrow. On this historic occassion, when the Government is taking this power, when the Home Minister takes the power to declare strikes illegal and decide the destiny of the working class in the country, I appeal that every decision taken under this Bill shall be remembered by the workers in the country. I wish to remind him of what he said a month back. He said that the INTUC is a responsible organisation, which looks after the interests of the working class. I remind him that the President of the INTUC, Mr. Vasavada, about a month back in the Indian labour conference shouted that the P. & T. employees should get a wage board and these things should be referred to the tribunal. When today the Home Minister's own partymen in the State of Kerala are picketing the gates of the secretariat in order to solve the unemployment problem within a week's time, is it right for that party to say that this demand, which has been decided by a tribunal ten years back, is so unreasonable, that the country's economy will suffer because of that?

I will conclude by appealing to the Government once again that whatever might be the difference of opinion between ourselves, or between the different workers' organisations, let him listen to his own organisation and let the demand of the working class be conceded; let an amicable settlement be reached and let not this black Bill remain on the statute-book.

Shri Dasappa (Bangalore): Mr. Deputy-Speaker, I rise to support the Bill that has been placed before the House. Last time when the debate on the resolution with regard to the appointment of a pay commission was carried on, I said that the leaders of one important group did not choose to answer the points that were raised, but went away at a tangent and dealt

[Shri Dasappa]

with the wage rise, higher prices and so on.

The question is one of finance. We have to get the finance. Shri Dange said then that it is a matter which can be easily settled by the hon. Finance Minister; if only he makes up his mind, he can certainly get the finance. Today, he has made a brighter contribution to that vexed problem. He said, why not take the Rs. 400 crores which are there as sterling balances and distribute it among the employees? That is a thing which the House should consider; it should consider whether in trying to make out a case against the Bill, there is an evident desire to be responsible and make any constructive suggestions.

Today the hon. Home Minister referred to the need for sacrifices from all sections of the people in the country. We have had occasion to refer to the austerity level of expenditure and economy in Great Britain at a time when things were very bad, after the last war. What is the answer of Mr. Dange or those who think like him? They have conveniently ignored that aspect altogether; they have not chosen to deal with that at all. The hon. Home Minister gave some very striking figures as to the financial implications of any increase in the salaries; not that he would be against revising the salaries suited to the circumstances here, but that was a matter which the people, responsible Members of this House, should bear in mind, when trying to urge for a revision of salaries. In the terms of reference to the pay commission itself, it has been made clear that all these aspects have to be considered before one can think of giving relief, either permanent or interim. If immediately the Government is unable to give any interim relief, it is not because they are not anxious to do it, not because they do not realise the fact that the real wages have today decreased from what they were before.

When we come to the question of real wages, it is not of merely the Government employees—class III or class IV—but it affects the entire nation. Even the higher officers, class I and class II officers, have been affected; all the people have been affected. Whether they are agricultural people or industrial people, all are affected seriously by these decreasing real wages. What is the solution which our friends have and why is it that they think only in terms of the Government employees? That is a thing which has an explanation of its own. On the other hand, the hon. Home Minister said that the wages of the higher posts have been fixed; there is no question of increasing their wages. I think that is also a point which the opposition has got to take note of.

Hon. Shri Dange seemed to play pun on the word "servant" used by the hon. Home Minister, as if that is the big weapon in his armoury. That is merely an official expression; you say, "your most obedient servant". It does not mean that everybody else is a big master. To advance a thing like that seriously as a criticism is extremely funny.

I think Shri Dange has been answered sufficiently so far as this is concerned. The Industrial Disputes Act is there no doubt, which can to some extent meet the serious situation. But we forget that the idea now is not to deal with every separate organisation or union. When the pay commission is already appointed, where is the question of appointing these wage boards or tribunals or arbitration boards? That is a thing which hon. Members should keep in view, when they think of referring to the Industrial Disputes Act. If, for instance, the pay commission was not there, that citicism would certainly hold good. Therefore, I feel it would be wholly wrong to pose oneself as a great champion of the employees and

characterise the others as the most heartless people and most callous to the needs of the people.

Last time I referred to the general situation in the country. After all, what are the wants of Indians? How few they are and yet are we able to meet those minimum needs of the people. Why should we not take this question as an integrated whole and suggest solution to this great national problem. It is wrong to pick out one section of workers, just because it may suit the purpose of a party to make such a capital. I think we have reached a stage when we should not resort to such methods.

The hon. P.S.P. Member, Shri Nath Pai had also his own criticism to offer. This time, I do not think he exhibited any great vehemence. I do not want to answer Shri Nath Pai. I have got here a statement by a friend, whom, I hope, he will recognise when I disclose the name. Let me quote a few words from his statement. I think I had better disclose the name; that is, Shri K. R. Karanath, Deputy Chairman, All-India Praja Socialist Party. It is a full-column statement. I am afraid, he has not seen it. He says:

> "I consider the strike, particularly in view of the gesture which the Union Government is making of appointing a Committee, as unwise and undesirable. .....I do consider that of all the civilian employmees of the Union Government, the Railway and the P. & T. men are the most favourably situated. Employees of the other departments of the Union Government are better placed than their similar numbers in the States.

Then, he says, that the cost of living has gone up. One or two more sentences.

> "Secondly, a Commission should be appointed not only for the Union Government servants but also for those of the States to give them a salary on which they can live decently and work in honesty and without having to seek....."

I have not heard a whisper from the other side, not even a single hon. Member to say one word in favour of the State employees. I am unable to appreciate this standpoint. I do not know what motivates them. But, the fact is there, that the question of the wages of the State employees is a necessary thing to be taken into consideration when we deal with this question. I am very happy, I am very grateful to the hon. Finance Minister to have stated in the terms of reference that that is also a matter which should be taken into consideration when determining the pay structure of the Government employees of the union. Therefore, there is a good deal of responsibility that must attach to any suggestions that we make here. Regarding the lower wage structure of the State employees, and employees of the local Boards, etc., to which the hon. Home Minister referred, not a single Member from the Opposition ever dared to answer that question. They could not even if they try.

I may also refer to the statement of Shri Khadilkar. He said that when he went to his constituency, he found what the standard of living of the poor people was, how miserable it was, how children could not even get sufficient milk and so on. How are we to meet the situation. My hon. friend Pandit Thakur Das Bhargava very well set out this case. Here we are trying to build up the whole economy of the country. There is a certain amount of sacrifice needed from every section and sector of our society. There is no justice in exploiting the grievances of either the P. & T. workers or anybody. The Pay Commission is there to go into all those questions.

[Shri Dasappa]

With regard to the negotiations with the P. & T. people, there may have been some delay. I do not deny it. I personally would have very much leked the prompter attempt to settle these disputes. With Shri Lal Bahadur Shashtri and Shri Raj Bahadur there, can anybody say that they would be unsympathetic to the claims of the P. & T. workers? Why should they be unsympathetic? It is an accusation which, I think, is wholly unjustifiable in the circumstances. Have the Members opposite any case to point out in which justice has not been done?

With regard to the R.M.S., the only case that Shri S. A. Dange referred to, I have had a talk with Shri Raj Bahadur. There is hardly any other point for them to ferret out of the negotiations between the P. & T. and the Government. The only things was with regard to the R.M.S. and non-giving of holidays to the telephone exchange people. Obviously, they must work round the clock. I gather that the number of hours for them per week is 36. It is not even 48. It is not as if Government has been unresponsive. Let us understand one thing. When they are going to give holidays for other officers of the P.&.T. why should they grudge giving it to the telephone exchange people? Are they enemies? We must understand that there must be some reason for such a differentiation. Even then, they are willing to consider the question. This is a matter which is actively under their consideration.

17-15 hrs.

[MR. SPEAKER *in the Chair*]

Government have taken a sympathetic attitude. They have appointed the Pay Commission which they were probably reluctant to do in the beginning because of the possible repercussions. In spite of it, if anybody tries to threaten a strike, I think it is absolutely unjust and antisocial. After all, those who are in the Postal Department are our own kith and kin. Many of my own relations are serving in the Postal department. Why should I be unsympathetic towards the claims of the P.&.T. men? Therefore, let us not make use of the demands to make political capital out of them especially the situation is fraught with serious danger. I would appeal to my hon. friends to see that they do not try to fan the fire that may be already there. Shri Frank Anthony said very well when he said, do not allow this to be exploited by the Communists. I do not want to say that much. I think he seems to know more than some of us do.

Lastly, it was said that this measure was meant to practically declare every union as illegal, rather every strike as illegal. Why should we exercise our mind to such an extent? It categorises the particular associations. Mind you, all strikes are not treated as illegal under the law. But, the Government reserves to itself the right to declare particular strikes illegal. Is that such a dictatorial power which we are vesting with the Government?

What is more, when they issue a notification like that, the matter comes before the House. We have a perfect right to have our say. Is that not democratic? You see, there is an attempt to meet an extraordinary situation. Is it not wise, while we may hope for the best, to be prepared for the worst? Any Government worth the name must do it. Ultimately, the Government must govern. In order to meet an emergency, these powers are taken. The extremely democratic character is obvious whenever they issue a notification, for they should come to Parliament after it meets as early as possible. I think that ought to satisfy the most democratic instinct of the House.

Any way, I feel that this is an occasion when every section of the House should make a fervent appeal to the misguided friends—it may be

that with all their good intentions, they may not be fully conversant with the situation—to see that they do not resort to the strike and to see that the hon Home Minister will not have to notify the strike of any single association as illegal I must plead once again before the House, every section of the House, not to contribute anything which will worsen the situation On the other hand, let us show to the world that we are capable of rising above our momentary inclination and work solidly and unitedly to build the temple of national unity

Mr. Speaker: I intend calling the Minister at 5 30 If any hon Member is willing to finish in ten minutes

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur). I would like to intervene for a couple of minutes, on a point of information

Mr. Speaker: To the hon Members who have had no chance now, I shall give a chance on the clauses

The clauses are as good as the original itself

Shri Raj Bahadur: This morning hon Member, Shri Dange, if I understood him correctly, purported to make out a point that the charter of demands was presented in or about the month of July, 1956 and we did not think of negotiating in regard to that charter for a long time If I understood him correctly further, in fact he thought that perhaps we were not meeting the unions quite frequently or as frequently as we should have

In this connection, I would like to place before him and before the House certain facts and figures Between the 1st March and the end of December, 1956, there were as many as ten meetings between the Federation or the all-India unions and the Government at the ministerial level, with the Director-General as many as 18 meetings, with other officers like the senior DDG, or DDG, Staff, five meetings. In all 33 meetings with the all-India unions or the Federation in regard to almost all of these points

From July to December, the number of meetings was 20 The total number was 33 in the course of 9 months It may well be inferred that practically every week we were meeting the representatives of the Federation or of the all-India unions.

From 1st January, 1957 till 30th May, 1957 there were as many as seven meetings at the ministerial level, eight at DG's level and four at the senior DDG's level, a total of 19 in five months That means practically one meeting per week again

And I may point out the result also just for the sake of information. Although the demands in the charter are, known to be 30 in number, the charter of these demands practically has second parts a, b, c or so on, which takes the actual number to 86 Out of these 86, if we include the second pay commission and the question of merger of dearness allowance etc, which are going to be referred to the commission now, as many as five major demands out of 12 have been conceded, and the total number of demands accepted up to date is 44 out of 86, partially accepted 2, still under consideration 8, and under consideration with other departments 6, rejected 26 That makes the total of 86

This is just for the information of Shri Dange and the House

Shri S. A. Dange: I know that

Pandit G. B. Pant: In my introductory speech I requested the House to consider this Bill I am thankful to some of the friends who have taken a rational attitude in the matter So far as my own approach to the question goes, I would be ever pleased if the differences between the Government and the Government servants were settled amicably by negotiation As I stated at the outset, such was our effort and we made a sustained endeavour in order to achieve that

[Shri G. B. Pant]

purpose. We are sorry that we did not succeed.

I had made it clear that the matter having been referred to the pay commission, the enquiry that will be conducted by the commission will be of a comprehensive character and will cover every aspect of the problem. I had also stated that so far as the question of interim relief is concerned, it could not be disposed of summarily, that the matter called for careful consideration in view of the economic and other factors to which I then made a reference. I have no objection, nor has the Government any objection, to the enquiry commission making any suggestion at any time. It will be open to the enquiry commission to take up any problem at any time. The union concerned or the unions will be free to request the commission to take up any particular question and the commission will be equally competent to send interim reports.

What I am saying is not new. I think the Minister for Communications and the Prime Minister himself, when some representatives of the strikers or those interested in them saw them, had made the position clear that the commission was perfectly free to send any interim report to Government, to make recommendations with regard to any matter at any stage, but the commission would alone be qualified to examine the problem, and as soon as the commission was satisfied that it was competent and at that time in a position to make a definite proposal with regard to any matter, it would be certainly entitled to make a recommendation to Government. In the circumstances, there is no desire on our part to postpone the enquiry or the decision with regard to any question. What I said was only this, that the question of interim relief is of such a complex character that the Government cannot by itself reach a decision on it, because there are various aspects of the matter which have to be considered.

Even Shri Dange, after all that he had to say about the new approach and our outmoded methods and the antediluvian and perhaps minds belonging to the pre-1919 era, could suggest only one remedy for raising the salaries. That was depleting the balances that are at present with the Treasury in England, the Sterling balances. Take charge of them, remove them from that country and distribute them among the public servants. When that amount is exhausted, then nothing is left. What is to be done the next year I do not know. But that shows to what straits people can be driven when this question is considered in a rational way.

If any other person had made such a suggestion, I would have really been shocked that at a time like this when the problem of foreign exchange is staring us in the face and we are finding it difficult to import such plants and machines as are essential to produce goods for the benefit of the workmen, public servants and other sections of the community, a suggestion should be made in all seriousness that the Sterling balances should be utilised or misused for this purpose. If there is no other solution for this problem, then I am afraid that even the pay commission will not endorse at least this suggestion, because it is something unthinkable at this time that we can make use of the Sterling balances for a temporary, ephemeral purpose or that the few hundreds of this Sterling that are new left should be diverted to a purpose which is of a limited and temporary character and the country should on that account be prevented from making any progress in the field of production and development. I am afraid that that remedy at least will not be welcomed by anybody. And as none other has been suggested, the interference might not be unreasonable that the speaker had perhaps no other remedy in his own mind. But whatever it be, none has been put forward. Still, as I said, this question again has to be settled by the Pay Commission, and when that Pay Commission has

been appointed, it will certainly look into all matters that are relevant.

It was also said that the Government should not stand on prestige. We were also told that we had been changing our opinion and yielding to demands which we were, at a stage, reluctant to accept. The two things do not seem to be quite compatible and consistent. If we had stood by prestige, we would not have altered any 'thing'; we would not have agreed to cut a 't' or to dot an 'i'; we could have refused to make the least alteration in any statements once made. But Shri S. A. Dange said that though we were not at a stage prepared—he said, a fortnight before—to appoint a pay commission, we had agreed to do so later. If what he said is correct, that shows that we do not stand on a sense of false prestige, and also that our mind is always open, and we are prepared to consider all questions on their merits. I do not see how any responsible Government can behave otherwise. We have to look to the interests, the welfare and the progress of four hundred millions of people in this country, and we cannot afford to be petty-minded. We cannot shut up our windows and say no fresh breeze will be allowed to come in. That is hardly conceivable.

But decisions that are based on rational grounds cannot be upset simply because the big club or the pistol is shown. We must be satisfied that a change is really called for and that it will be in the interests of the country. But his statement that we had accepted after a fortnight, what we had refused to do a fortnight previously is not, I think, so far as the Pay Commission is concerned, quite correct. He was perhaps referring to the discussion on the resolution that was moved in the House. At that time, it was made perfectly clear not only by the Finance Minister but also by the Prime Minister that the Government would be prepared to hold an enquiry into all matters which had a bearing on this important and vital issue, that it will be prepared to refer the matter to persons who are competent to deal with questions of such a complicated and intricate character.

So, the Government had indicated what is was prepared to do. But, in spite of that, people continued their vociferous methods of agitation, and then, they said that the Government had in a way gone back upon what it had said previously. Well, that is not a fact. But if it be so, that should be still greater satisfaction to those who wanted this enquiry to be held: they might well regard it as their own triumph. I am prepared to congratulate them for that, if it gives them any satisfaction.

But then they should also concede that the Government has been throughout anxious to handle this question in a way that would enable them to bring about a settlement, that the Government has been anxious to go to the maximum length, and even to revise its decisions in order to give satisfaction to public servants. If that be so, I think that, instead of being regarded as an indication of our stubborn and unreasonable and irrational attitude, it should be looked upon and interpreted with greater generosity.

I was also told that now there was unanimous opinion all over the world that an increase in wages does not lead to inflation. Well, I have yet to learn a lesson, so far as that goes. Now, certain references were made to certain reports. These reports are not before me. But I myself said that if an increase in wages is accompanied by a corresponding expansion in production, then there can be no inflation. It is because we have at present to concentrate on heavy industries, machine-tool industries and other things of that kind, and to give preference and priority to them, that the expenditure that may have to be incurred in this country will not immediately result in an increase in the quantum of consumer goods that is at present available in the country. In the circumstances, obviously, the demand will outstrip the supply. It is obvious enough. It does not require any reference to the International

[Shri G. B. Pant]

Labour Conference or to any other authority, howsoever eminent that authority may be. It is a simple proposition which anyone, I think, can easily appreciate and accept. So, as far as that goes, I think, there can be no difference of opinion.

Besides, maters like this have to be considered in the context and in the circumstances prevailing in a country at a particular time. Of course, we had ourselves many activities in the country during the First Five Year Plan, but there was hardly any inflation. There was at that time also an increase in wages, but then the conditions were different. So, no one can say that every time, and under all circumstances, an increase in wages is bound to lead to inflation, nor can anyone make any assertions to the contrary. It is the circumstances in which such decisions are taken or such phenomena take place which will determine the reaction of the one on the other. It does not need much of argument.

There was also some reference made to the strikes that have taken place in other countries or are taking place there. I never claim that no strikes take place anywhere else. I think that there are international bodies, and there are many other organisations of an international character, including the World Federation of Trade Unions, who have their vantage in every country, and they are at it, energetic and vigorous everywhere. They can lead the people into alleys, lanes, and by-lanes in the way they like; and there may be genuine grievances too in other countries, and it may be necessary for people to go on strikes, and they may have done so.

To say that in America, an increase in wages in a particular industry was accepted as not being necessarily associated with inflation, I think, may be quite correct. In a country like America, when billions are distributed by way of wages every day, to say that a few millions given by way of increase in wages to the workmen in one or two or three or four factories would necessarily lead to inflation would be, I think hardly a very correct statement. Where you have got billions in circulation, where the standard of living of every person is so high, there a little change one way or the other does not affect the standard. So, these illustrations are in a way hardly applicable to our country

We must examine the position as it is here, and so far as the position prevailing in our country is concerned, Shri S. A Dange did not advance any arguments to dispute what I had said.

They also said that the words 'employer and employee' should be used and not 'master and servant'. I would very much like to use the words 'employer and employee', but so far as public servants are concerned, they are defined as such in law. They are called public servants. They have certain duties, certain rights and certain privileges.

We were told long ago that it was the duty of the leaders and of the statesmen in a country and of those who took interest in public affairs, to educate their masters—I use the expression in the sense that the members of the community in a country, the entire nation, are the master and we all are their servants and we should be loyal to them. So far as the essential services are concerned, we should discharge our duties by way of trustees and not as mercenaries who work only in lieu of the pay that they receive.

So it was not a question of an individual being a master and another individual being a servant, but of the servants of the nation. One of the highest titles that can be conferred on a person is that of being the first servant of the nation. That certainly is not a reflection, but it is the greatest respect and, if I may say so, also affectionate expression that can be used for the most popular, influential, sagacious and wise man in the country.

So we should not tear away words from their context, but interpret them in a proper manner. I really expres-

sed the view that as our country had been under foreign rule for a long time, our public servants here had not yet shed off the traits that had naturally and inevitably been acquired under foreign rule. I said that I wished every public servants should realise that the public was really his master.

We are criticised in this House everyday for the failings and foibles, errors and omissions of the public servants. I attribute those of them which may be correct to the failure on their part of the realisation of the fact that they are really servants of the nation. The steel-frame days are gone. Those who serve the State today are expected to subordinate their interests and to devote themselves, to dedicate their lives, their time, their energy, their faculties and capacity to the service of the millions living in this country. I still maintain that it is a privillege to be a public servant here and I hope those in charge of the essential services will discharge their functions as the servants of the nation.

There was a suggestion made that laws of this type did not exist anywhere else What have we done? I have again tried to re-examine the position We do not declare any strike as illegal by itself. If you pass this Bill and it becomes an Act, even if any Union goes on strike, it does not become an unlawful strike. It is open to it to continue its activities and to its members to cease to work But it only enables the Government, in case circumstances make it obligatory on the Government to do so, to declare a strike as unlawful. It is only after such declaration that a strike would be unlawful.

So there is nothing in it which by itself makes a strike unlawful. It does not in any way ban strikes altogether. Strikes may take place. But nobody would deny that the items that are there do, in the literal sense as well as every sense of the term, constitute what are called essential services. Without them, the body-politic cannot function in an efficient and smooth way. Unless those services discharge their duties in a regular and proper way, public life, social life and even private life, is likely to be paralysed and subjected to extreme hardships.

In the circumstances, is it desirable that, even after the main demand has been accepted and every attempt has been made to concede the minor demands—most of which, as stated by the Minister of State for Communications, have already been accepted,—the P & T Federation or Confederation should still persist and maintain its previous resolution? That would, I think, be extremely unpatriotic. They should take a larger view.

As Shri Dange said, the doors to negotiation are never closed. But we have tried to settle everything fully and to do the maximum that we can. But we are still anxious that the strike should not take place. The very fact that we have brought this Bill is an indication of our desire that the strike should not come off If we had wanted this strike to take place, we would not have brought forward this Bill (*Interruptions*) It is because some people think that the thing had better come and perhaps continue for a pretty long time that they fight shy of this. But our attitude is just the opposite

We also take into account the great hardship and loss that is caused to the people who go on strike. In a state of excitement, they may be driven to a course which will recoil on them later But we have greater sympathy with them. We want them to lead a normal life and to enjoy whatever is available today and to prepare the ground for getting more tomorrow.

I would only request them to make an effort to produce more *per capita* than they have been doing so far That would be the best way for raising the scale of wages without creating anv sort of difficulties But if they are advised to go slow and not to put forth even as much energy as they possess, then production will naturally, inevitably shrink and the pool available for distribution will dwindle. In

[Shri G. B. Pant]

the circumstances, wages will have either to be stationary or might even come down. So the whole remedy lies in increasing production.

I was looking into the laws in other places. I have got some books to show that laws of this character do obtain in other countries. I have before me the Act that was passed in Australia in 1949, the National Emergency (Coal Strike) Act (No. 20 of 1949). At that time the emergency was due not to any collapse or strike with regard to essential services. But a coal strike there has some importance no doubt.

Section 11 of that Act runs thus:

> "Where an organisation has committed an offence against this Act, every person who, at the time of the commission of the offence was a member of the committee of management or an officer of the organisation or of a branch of the organisation, shall be deemed to be guilty of the offence, unless he proves that the offence was committed without his knowledge or that he used all due diligence to prevent the commission of the offence, and shall upon conviction be punishable by a fine not exceeding £ 100 or imprisonment for a term not excedding 6 months or both."

You will see that this provision goes much further than our own Bill. Here any organisation, any party may do what it likes but we are not going to take any action against any organisation as such nor are the members of the organisation to be punished because of anything done by the organisation or by those associated with it. If we had a law like that, it would be, I think, much more far reaching and stern.

Then, there are other books with me which have more or less provision of a similar type. I will just read out one.

Shri Sadhan Gupta: What is the offence referred to?

Pandit G. B. Pant: Taking part in a strike or giving money or assisting the strikers. Organisation giving any money or help make every member of the organisation punishable.

Pandit K. C. Sharma (Hapur): You will come within the purview of that.

Pandit G. B. Pant: Though we have no such provision in this Bill, if any unlawful strike comes at any time, I hope, no organisation will help it with money.

There is a book which says, special restraints are imposed on workers in those industries and services where the effects of stoppage are most widely and sharply felt and where, in consequence, lock-out is virtually imposed. Workers in public utility and the merchant navy, for example, may be convicted of a criminal offence and fined or imprisoned if they break their contracts by striking. Other workers, for example, shipbuilders working on Government contracts have also been subjected to certain restrictions and the right to strike of civil servants, Police and Armed Forces is severely limited or not admitted at all. There have not been lacking proposals to extend the scope of legal restrictions to all essential industries, particularly mining and transport.

This is a book on Strikes by K. C. Knowles.

Shri Masani said that the matters should have been referred to the Board of Conciliation before this Bill was introduced in this House. I have just mentioned the efforts that were made by Government and the talks and negotiations that were held by the officers of Government and by the Minister and the Prime Minister himself. A Conciliation Officer was also appointed; the Labour Officer acted as the Conciliation Officer but the party concerned did not like the

idea. In the circumstances, something had to be done. Now, a Commission has been appointed with a Judge of the Supreme Court as the Chairman Can any Tribunal be more effective, more impartial, more efficient and more trustworthy than such a Commission? If then, after the appointment of such a Commission ...

Shri Tangamani: On a point of clarification, Sir,. ..

Mr. Speaker: Later on I am not going to allow it Let the hon. Minister close. If any important point remains (*Interruption*) What I would advise hon. Members is that they may hear the reply of the hon Minister and if still there are any points to be cleared I will allow one or two hon Members.

Shri Tangamani: Here, the hon Minister ...

Mr. Speaker: Order order

Pandit G. B. Pant: With a reference made to a Commission presided over by a Judge of the Supreme Court does not lead to the withdrawal of a strike notice, then, Shri Masani, with all his experience and knowledge of industrial matters can imagine how any reference to any other Tribunal which would be suppossed to be under the influence and thumb of the Government would satisfy the Union Would they agree to it? What was there to prevent them from applying for it?

So, if we look at these things in a serious way, let us not be guided or led away by some technicalities Let us look at things in a square way. We are concerned with an emergency which we want to avert and to avoid We have received notices from a number of Unions which carry on very essential functions in the country We have made every effort to reach a solution We have not succeeded. We are reaching the D line or the D day almost very closely Every day we are coming nearer. So is it or is it not necessary that the country should receive the services from the people who have been appointed on their behalf for rendering these services? After all the efforts made so far have failed, is it not the Government's duty to take steps that will, enable or ensure maintaining such services? I think if Shri Masani will reconsider the matter he will agree that there was no other course open

I may also state here that under the Industrial Disputes Act too there are provisions more less of the same kind A person who goes on strike can be sent to prison

Shri M. R. Masani: Why not use them?

Pandit G. B. Pant: Why not use them? Because it would be a more straightforward course to come to you and seek your sanction instead of going through the backdoor and making use of a provision which is not exact here This is a better way and straightforward way of doing things. I think in the circumstances we should have been allowed to proceed in the manner we wanted to and our courage should have been appreciated We wanted to have the sanction of the House directly for the course we propose to adopt in the circumstances We wanted to place before the country the circumstances which have forced us to adopt this line and instead of doing things in a clandestine way we thought it better to follow the line which should bring the issues directly before the country and before the Members of this hon House

I hope, in the circumstances, the motion that I have made will be accepted by the House. What is still more I hope the public servants who have allowed themselves to be embroiled in this affair so far will reconsider the position and give up the idea of going on strikes

18 hrs

Shri Sadhan Gupta: The Home Minister has given us certain examples

[Shri Sadhan Gupta]

of offences, particularly in England. May I have this clarification: whether the English law does not provide that the strikes there under this Act can become illegal only on the issue of a proclamation of emergency and whether that proclamation has not to be approved by Parliament within five days of the issue of the proclamation and also whether there is no obligation to refer the matter to arbitration and whether that arbitration can be hedged in with terms of reference?

Pandit G. B. Pant: One way or the other, it does not affect the position here.

Shri Tangamani: Under the Industrial Disputes Act the P & T Department or whichever may be the industries which are detailed as public utility services, the workers or their unions will have to give notice in a particular form. After the strike notice is given, there is an obligation on the part of the Government to refer some or all the issues for adjudication. The moment one of the issues is referred for adjudication, then the strike will become illegal. So, there is that position for the Government to make the strike illegal. It is not the same as the appointment of a Pay Commission. If a tribunal is appointed, that has got the power.

Mr. Speaker: What is the elucidation that he wants? He is giving the information.

Shri Tangamani: Therefore, I want to know this. There has been no reference to the tribunal under the Industrial Disputes Act in place of the Pay Commission which is now appointed and which the hon. Minister said is much more effective than a tribunal. Why was this not referred to a tribunal?

Mr. Speaker: The appointment of a Pay Commission is, according to the hon. Member, not equal to the appointment of a tribunal a reference of the disputes to which will make the strike illegal.

Shri Frank Anthony: What is the objection for accepting my suggestion? This measure should be made *ad hoc* and applied only to those associations and services which have given strike notices. The House is not in a position to assess the exact circumstances. We are prepared to give Government powers instead of passing a blanket measure in respect of other associations and services from which there is no threat.

Pandit G. B. Pant: The measure is confined only to those services which are essential and are mentioned in the Bill and have already given notices. We certainly have no desire to take action against any other union and we hope that it will not be necessary to take action even against one. It is not our desire that we should take such action but if we are compelled and forced to do so, then, we have to be prepared for that. But the Bill, I may tell the hon. Member, is intended to meet the present situation with regard to the unions which have already given notices. At present we do not expect that the others will behave in this way and even if we see things here, you will find that this is confined only to public utility services or to services which cause grave hardship and then only such action is taken. The notification also will have to be placed on the Table of the House. I do not think that there is the least danger of our misusing the provisions of this Bill and I can assure Shri Frank Anthony that we have no intention to do so. We do not in fact like that such emergencies should arise which force our hands and compel us to introduce measures of this kind.

Mr. Speaker: I will now put the amendments to the vote of the House. First, I shall put Shri Nayar's amendment for circulation.

The question is:

> "That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th August, 1957."

The Lok Sabha divided: Ayes 55, Noes 212

Division No. 9] [18.08 *hrs.*

AYES

Asaar, Shri
Banerjee, Shri Pramathanath
Banerjee, Shri S. M
Barua, Shri Hem
Bharucha, Shri Nausher
Chakravartty, Shrimati Renu
Chavan, Shri D. R.
Dange, Shri S. A.
Dasaratha Deb, Shri
Dasgupta, Shri B.
Dige, Shri
Dwivedi, Shri M L.
Dwivedy, Shri Surendranath
Elias, Shri M.
Gaikwad, Shri B K
Ghosal, Shri
Ghose, Shri Bimal
Ghose, Shri S.
Gopalan, Shri A K
Gorey, Shri
Gupta, Shri Sadhan
Iyer, Shri Easwara
Jadhav, Shri
Kamble, Shri B C
Kar, Shri Prabhat
Katti, Shri D A.
Keadilkar, Shri
Kodiyan, Shri
Krishnaswami, Dr.
Kumaran, Shri
Kunhan, Shri
Mahagaonkar, Shri
Manay, Shri
Matera, Shri
Menon, Dr. K. B.
Menon, Shri Narayanankutty
More, Shri
Mukerjee, Shri H. N.
Mullick, Shri B C
Nair, Shri Vasudevan
Nath Pai, Shri
Nayar, Shri V P
Pandey, Shri Sarju
Parmar, Shri Y S
Parulekar, Shri
Parvathi Krishnan, Shrimati
Patil, Shri Nana
Pillai, Shri Anthony
Punnoose, Shri
Rao, Shri T B Vittal
Sampath, Shri
Sonule, Shri H. N.
Sugandhi, Shri
Tangamani, Shri
Warior, Shri

NOES

Abdul Lateef, Shri
Achar, Shri
Achint Ram, Lala
Agarwal, Shri
Alva, Shri Joachim
Ambalam, Shri Subbiah
Arumugham, Shri R. S
Atchamamba, Dr
Ayyakannu, Shri
Bahadur Singh, Shri
Balakrishnan, Shri
Balmiki, Shri
Banerji, Shri P B
Banerji, Dr R
Bangalu Thakur, Shri
Barman, Shri
Barupal, Shri P L.
Basappa, Shri
Bhagat, Shri B R.
Bhakt Darshan, Shri
Bhargava, Pandit M B.
Bhargava, Pandit Thakur Das
Bhatkar, Shri
Bhola Sardar, Shri
Bidari, Shri
Birbal Singh, Shri
Bose, Shri P C.
Brahm Perkash, Ch
Brajeshwar Prasad, Shri
Chanda, Shri Anil K.
Chaturvedi, Shri
Chavda, Shri
Chettiar, Shri R. Ramanathan
Chuni Lal, Shri
Damani, Shri
Dasappa, Shri
Das, Shri K K.
Das, Shri M M.
Das, Shri Ramdhani
Das, Shri Shree Narayan
Datar, Shri
Deb, Shri N M.
Desai, Shri Morarji
Deshmukh, Shri K. G
Deshmukh, Dr. P. S.
Dindod, Shri
Dinesh Singh, Shri
Dube, Shri Mulchand
Dubiah, Shri
Eacharan, Shri I
Elayaperumal, Shri
Gaekwad, Shri Pateesinghrao
Ganapathy, Shri
Gandhi, Shri Feroze
Gandhi, Shri M.M.
Gautam, Shri C D.
Gounder, Shri Doraiswami
Gounder, Shri K. P
Guha, Shri A C.
Hajarnavis, Shri
Harvani, Shri Ansar
Hathi, Shri
Hazarika, Shri J. N.
Heda, Shri
Hem Raj, Shri
Hukam Singh, Sardar
Jagjivan Ram, Shri
Jain, Shri A. P.
Jain, Shri M. C
Jinachandran, Shri
Jogendra Singh, Sardar
Joshi, Shri A. C.
Joshi, Shrimati Subhadra
Jyotishi, Pandit J P.
Kalika Singh, Shri
Kanaksabai, Shri
Kannuga, Shri
Karmarkar, Shri
Kashiwal, Shri
Kayal, Shri P. N.
Keshava, Shri
Keskar, Dr.
Khadilwala, Shri
Khan, Shri Sadath Ali
Khan, Shri Shahnawaz
Khedkar, Dr. G. B.
Khimji, Shri
Khwaja, Shri Jamal
Krishnamachari, Shri T. T.
Krishna Rao, Shri M. V.
Lachhi Ram, Shri
Lahiri, Shri
Lal, Shri R S
Laxmi Bai, Shrimati
Mafida Ahmed, Shrimati
Majithia, Sardar
Mani, Shri N. B.
Mallish, Shri U. S.
Malaviya, Shri K. D.
Malvia, Shri K. B.
Malviya, Shri Motilal
Menasa, Shri
Mandal, Shri J.
Maniyangadan, Shri
Melkote, Dr.

Menon, Shri Krishna
Minimata, Shrimati
Mishra, Shri B. D.
Mishra, Shri L. N.
Mishra, Shri M. P.
Mishra, Shri S. N.
Misra, Shri R D.
Mohideen, Shri Gulam
Muthukrishnan, Shri
Nadar, Shri P. T.
Naidu, Shri Govindarajulu
Nanda, Shri
Nanjappa, Shri
Narayanasamy, Shri R.
Naskar, Shri P. S.
Nathwani, Shri
Nayar, Dr. Sushila
Nehru, Shri Jawaharlal
Nehru, Shrimati Uma
Nek Ram, Shri
Osa, Shri
Padam Dev, Shri
Pahadia, Shri
Palchoudhuri, Shrimati Ila
Patel, Shrimati Maniben
Patel, Shri N. N.
Patil, Shri S. K.
Pillai, Shri Thanu
Prabhkar, Shri Naval
Radha Raman, Shri
Raghubir Sahai, Shri
Raj Bahadur, Shri
Ramakrishnan, Shri
Raman, Shri Patbhi
Ramanand Shastri, Shri
Ramananda Tirtha, Swami
Rameswami, Shri S. V.
Rameswamy, Shri K. S.
Ramaswamy, Shri P.
Rameshwar Rao, Shri
Ram Krishan, Shri
Rampure, Shri M.
Ram Subhag Singh, Dr
Rana, Shri
Ranga, Shri
Rangarao, Shri
Rao, Shri B. M.
Rao, Shri Rajagopala
Rao, Shri R. J.
Raut, Shri Bhola
Ray, Shrimati Renuka
Reddi, Shri Bali
Reddy, Shri K. C.
Reddy, Shri Viswanatha
Roy, Shri Biswanath
Sadhu Ram, Shri
Sahodrabai, Shrimati
Sahu, Shri Rameshwar
Salam, Shri Abdul
Samanta, Phri S. C.
Samantsinhar, Dr.
Sanganna, Shri
Sarhadi, Shri A. S.
Satyabhama Devi, Shrimati
Scindia Shrimati Vijaya Raje
Selku, Shri
Sen, Shri A.K.
Shah, Shrimati Jayaben
Shah, Shri Manubendra
Shankaraiya,
Sharma, Shri D. C.
Sharma, Pandit K. C.
Shastri, Shri Lal Bahadur
Shivananjappa, Shri
Siddiah, Shri
Singh, Shri Babunath
Singh, Shri D. N.
Singh, Shri D. P.
Sinha, Shri B. P.
Sinha, Shri Gajendra Prasad
Sinha, Shri Jhulan
Sinha, Shri K. P.
Sinha, Shrimati Tarkeshwari
Snatak, Shri Nardeo
Subbarayan, Dr. P.
Subramanyam, Shri T.
Sultan, Shrimati Maimoona
Sunder Lal, Shri
Swaran Singh, Sardar
Tahir, Shri Mohammed
Tewari, Shri Dwarkanath
Thimmaiah, Shri
Thomas, Shri A. M.
Tiwari, Shri Babu Lal
Tiwari, Shri R. S.
Tiwary, Pandit D. N.
Tula Ram, Shri
Tyagi, Shri
Tyabji, Shri
Ulke, Shri
Umrao Singh, Shri
Upadhyaya, Shri Shiva Datt
Verma, Shri B.B.
Vedakumari, Kumari M.
Vishwanath Prasad, Shri
Vyas, Shri R. C.
Vyas, Shri Radhelal
Wilson, Shri J N.

The motion was negatived.

Mr. Speaker: Should I put Shri Frank Anthony's amendment to the vote of the House?

Shri Frank Anthony: Yes, Sir.

Mr. Speaker: The question is:

"That the Bill be referred to a Select Committee consisting of Pandit Thakur Das Bhargava, Shri N. G. Ranga, Shri Shripad Amrit Dange, Shri Hem Barua, Shri M. R. Masani, Shri Jaipal Singh, Shri Naushir Bharucha, Shri Bhaurao Krishnarao Gaikwad, Shri Lal Bahadur Shastri, Shri Govind Ballabh Pant, and the Mover with instructions to report by the 7th August, 1957."

The motion was negatived.

Mr. Speaker: What about Shri Assar's amendment?

Shri Assar: I am pressing it.

Mr. Speaker: The question is:

"That the Bill be referred to a Select Committee consisting of Pandit Thakur Das Bhargava, Shri Naushir Bharucha, Shri Narayan Ganesh Goray, Shri Atal Bihari Vajpayee, Shri B. C. Kamble, Shri Asoke K. Sen, Shri Govind Ballabha Pant, the Mover with instructions to report by the 15th August, 1957."

Those in favour of amendment No. 454, standing in the name of Shri Assar will please say 'Aye'. I find only one hon. Member saying 'Aye'.

Now, those against will please say 'No'.

Several hon. Members: 'No'.

Mr. Speaker: I find a large number against the amendment. So, by an overwhelming majority the amendment is lost.

The motion was negatived.

Mr. Speaker: Now I will put the main motion to the vote of the House. The question is:

"That the Bill to provide for the maintenance of certain essential services and the normal life of the community be taken into consideration."

The Lok Sabha divided. Ayes 224; Noes 54.

Division No. 10] [18.15 *hrs.*

AYES

Abdul Lateef, Shri
Achar, Shri
Achint Ram, Lala
Agarwal, Shri
Alva, Shri Joachim
Ambalam, Shri Subbiah
Arumugham, Shri R. S.
Atchamamba, Dr.
Ayyakannu, Shri
Bahadur Singh, Shri
Balakrishnan, Shri
Balmiki, Shri
Banerji, Shri P.B.
Banerji Dr. R.
Bangshi Thakur, Shri
Barman, Shri
Barupal, Shri P. L.
Basappa, Shri
Bhagat, Shri B. R.
Bhakt Darshan, Shri
Bhargava, Pandit M. B.
Bhargava, Pandit Thakur Das
Bhatkar, Shri
Bholi Sardar, Shri
Bidari, Shri
Birbal Singh, Shri
Bose, Shri P. C.
Brahm Perkash,Ch.
Brajeshwar Prasad, Shri
Chanda, Shri Anil K.
Chaturvedi, Shri
Chavda, Shri
Chettiar, Shri R. Ramanathan
Chuni Lal, Shri
Daljit Singhi, Shri
Damani, Shri
Dasappa, Shri
Das, Shri K. K.
Das, Shri M. M.
Das, Shri Ramdhani
Das, Shri Shree Narayan
Datar, Shri
Deb, Shri N. M.
Desai, Shri Morarji
Deshmukh, Shri K. G.
Deshmukh, Dr. P. S.
Dindod, Shri,
Dinesh Singh, Shri
Dube, Shri Mulchand
Dubish, Shri
Dwivedi, Shri M. L.
Eacharan, Shri I.
Elayaperumal, Shri
Gaekwad, Shri Fatesinghrao
Ganapathy, Shri
Gandhi, Shri Feroze
Gandhi, Shri M. M.
Gautam, Shri C. D.
Gounder, Shri Doriaswami
Gounder, Shri K. P.
Govind Das, Seth
Guha, Shri A. C.
Hajarnavis, Shri
Harvani, Shri Ansar
Hathi, Shri
Hazarika, Shri J. N.
Heda, Shri
Hem Raj, Shri
Hukam Singh, Sardar
Jagjivan Ram, Shri
Jain, Shri A. P.
Jain, Shri M. C.
Jinachandran, Shri
Jogendra Singh, Sardar
Joshi, Shri A. C.
Joshi, Shrimati Subhadra
Jyotishi, Pandit J. P.
Kalika Singh, Shri
Kamble, Dr.
Kanakasabai, Shri
Kanungo, Shri
Karmarkar, Shri
Kasliwal, Shri
Kayal, Shri P. N.
Keshava, Shri
Keskar, Dr.
Khadilwala, Shri
Khan, Shri Sadath Ali
Khan, Shri Shahnawaz
Khedkar, Dr. G. B.
Khimji, Shri
Khawaja, Shri Jamal
Krishnaiah, Shri
Krishnamachari, Shri T. T.
Krishna Rao, Shri M. V.
Lachhi Ram, Shri
Lahiri, Shri
Lal, Shri R. S.
Laxmi Bai, Shrimati
Mafida Ahmed, Shrimati
Majithia, Sardar
Maiti, Shri N. B.
Mallish, Shri U. S.
Malaviya, Shri K. D.
Malvia, Shri K. B.
Malviya, Shri Motilal
Manaen, Shri
Mandal, Shri J.
Mandal, Dr. Pashupati
Maniyangadan, Shri
Minimata, Shrimati
Mishra, Shri B. D.
Mishra, Shri L. N.
Mishra, Shri M. P.
Mishra, Shri S. N.
Misra, Shri R. D.
Mohideen, Phri Gulam
Muthukrishnan, Shri
Nadar, Shri P. T.
Naidu, Shri Govindarajulu
Nair, Shri C. K.
Nanda, Shri
Nanjappa, Shri
Narayanasamy, Shri R.
Naskar, Shri P. S.
Nathwani, Shri
Nayar, Dr. Sushila
Nehru, Shri Jawaharlal
Nehru, Shrimati Uma
Oza, Shri
Padam Dev, Shri
Pahadia, Shri
Palchoudhuri, Shrimati Ila
Parmar, Shri Y. S.
Patel, Shrimati Maniben
Patel, Shri N. N.
Patel, Shri Rajeshwar
Patil, Shri S. K.
Pillai, Shri Thanu
Prabhakar, Shri Naval
Radha Raman, Shri
Raghubir Sahai, Shri
Raghuramaiah, Shri
Raj Bahadur, Shri

Ramakrishnan, Shri
Raman, Shri Pattabhi
Ramanand Shastri, Swami
Ramananda Tirtha, Swami
Rameswami, Shri S.V.
Ramaswamy, Shri K. S.
Ramaswamy, Shri P.
Rameshwar Rao, Shri
Ram Krishan, Shri
Rampure, Shri M.
Ram Subhag Singh, Dr.
Rane, Shri
Ranga, Shri
Rangarao, Shri
Rao, Shri E. M.
Rao, Shri Rajagopal
Rao, Shri R. J.
Raut, Shri Bhola
Ray, Shrimati Renuka
Reddy, Shri Bali
Reddy, Shri K. C.
Reddy, Shri Viswanatha
Roy, Shri Bishwanath
Sadhu Ram, Shri
Sahodrabai, Shrimati
Sahu, Shri Bhagabat
Sahu, Shri Rameshwar
Selam, Shri Abdul
Samanta, Shri S. C.
Samantsinhar, Dr.
Sanganna, Shri
Sarhadi, Shri A. S.
Satyabhama Debi, Shrimati
Satyanarayana, Shri
Scindia, Shrimati Vijaya Raje
Selku, Shri
Sen, Shri A. K.
Shah, Shrimati Jayaben
Shah, Shri Manubhai
Shah, Shri Manabendra
Shankaraiya, Shri
Sharma, Shri D. C.
Sharma, Pandit, K. C.
Shastri, Shri Lal Bahadur
Shivananjappa, Shri
Siddiah, Shri
Singh, Shri Babunath
Singh, Shri D. N.
Singh, Shri D. P.
Singh, Shri M. N.
Sinha, Shri B. P.
Sinha, Shri Gajendra Prasad
Sinha, Shri Jhulan
Sinha, Shri Satya Narayan
Sinha, Shrimati Tarkeshwari
Snatak, Shri Nardeo
Subbarayan, Dr. P.
Subramanyam, Shri T.
Sultan, Shrimati Maimoona
Sundar Lal, Shri
Surya Prasad, Shri
Swaran Singh, Sardar
Syed Mahmud, Dr.
Tahir, Shri Mohammed
Tewari, Shri Dwarikanath
Thomas, Shri A. M.
Tiwari, Shri Babu Lal
Tiwari, Shri R. S.
Tiwary, Pandit, D. N.
Tula Ram, Shri
Tyagi, Shri
Tyabji, Shri
Uike, Shri
Umrao Singh, Shri
Upadhyaya, Shri Shiva Datt
Varma, Shri B. B.
Vedakumari, Kumari M.
Vishwanath Prasad, Shri
Vyas, Shri R. C.
Vyas, Shri Radhelal
Wilson, Shri J. N

NOES

Asaar Shri
Banerjee, Shri Pramathanath
Banerjee, Shri S. M.
Barua, Shri Hem
Bharucha, Shri Naushir
Chakravartty, Shrimati Renu
Chavan, Shri D. R.
Dange, Shri S. A
Dasaratha Deb, Shri
Dasgupta, Shri B.
Dige, Shri
Dwivedy, Shri Surendranath
Elias, Shri M.
Gaikwad, Shri B. K
Ghosal, Shri
Ghose, Shri Bimal
Ghose, Shri S.
Gopalan, Shri A. K.
Goray, Shri
Gupta, Shri Sadhan
Iyer, Shri Easwara
Jadhav, Shri
Kamble, Shri B. C
Kar, Shri Prabhat
Katti, Shri D. A.
Khadilkar, Shri
Kodiyan, Shri
Krishnaswami, Dr
Kumaran, Shri
Kunhan, Shri
Mahagaonkar, Shri
Manay, Shri
Matera, Shri
Menon, Dr. K. B
Menon, Shri Narayanankutty
More, Shri
Mukerjee, Shri H. N.
Mullick, Shri B C
Nair, Shri Vasudevan
Nath Pai, Shri
Nayar, Shri V P
Pandey, Shri Sarju
Parulekar, Shri
Parvathi Krishnan, Shrimati
Patil, Shri Nana
Punnoose, Shri
Rao, Shri T B Vittal
Sampath, Shri
Singh, Shri L. Achaw
Singh, Shri T. N.
Sonule, Shri H. N.
Sugandhi, Shri
Tangamani, Shri
Warior, Shri

The motion was adopted.

Clause 2—(Definitions)

Mr. Speaker: The House will now take up clause by clause consideration of the Essential Services Maintenance Bill, 1957 for which 3 hours have been allotted.

Hon. Members who wish to move their amendments to the various clauses may kindly hand over at the Table within 15 minutes the numbers of their amendments specifying the clauses to which they relate.

Shri T. B. Vittal Rao: Can't we take it up tomorrow, Sir? We have been sitting in tension for the whole day.

Mr. Speaker: No, no; the tension has subsided.

Shri T. B. Vittal Rao: My amendments are numbers 32, 33, 34, 35, 26 and 27.

Shri Easwara Iyer (Trivandrum): I have got my amendment No. 32.

Shri Tangamani: My amendment is number 35.

Shri Sadhan Gupta: I want to move all the amendments standing in my name.

Shri V. P. Nayar: There are as many as 500 amendments; it will take some time to select the amendments that we want to move.

Mr. Speaker: I will call one hon. Member to speak on this clause and his amendment. In the meantime other hon. Members may pass on chits to the Table indicating the numbers of amendments that they would like to move. Shri Easwara Iyer.

Shri Easwara Iyer: Mr. Speaker, Sir, I do not want to deal with the aspects of the Bill, but I will confine myself to the provisions of the amendment that I am proposing.

I submit that so far as sub-clause (vii) of clause 2 is concerned, it is stated that the Central Government is given powers to declare any service as essential service. This arbitrary power which is given to the Central Government, this unbridled power that is given to the Central Government to declare a service to be an essential service is opposed to the fundamental rights that are declared by the Constitution. I submit that quite apart from the fact that so far as this sub-clause (vii) is concerned, it reserves powers for the Central Government, with all due reference to the Constitution, I would respectfully submit that to invest the Central Government with powers to determine as to whether a particular service is an essential service or not, to leave it to the subjective satisfaction of the Government itself to determine as to whether a service is an essential service, is not to be allowed. I would say that Pandit Thakur Das Bhargava said in the course of his speech that while we invest the powers in the Central Government, we will expect the Government not to use it like a giant. But occasion may arise when some services which have been declared to be essential services may not be found to be quite adequate and the Government might think of declaring certain other services to be also essential services, and more often than not, it happens that a giant's power conferred upon the Government will be used like a gaint. I therefore say that sub-clause (vii) should be omitted.

In fact, I will not go to the technicalities of this clause, but it infringes article 14 of the Constitution regarding equality before the law and equal protection of the law. This clause confers a discretion upon the Government to choose as to whether a public service is a public utility service or whether it is hazardous to the community or not. That discretion is not controlled. In so far as this question is concerned, there is an aspect of discretion conferred upon the Government to find out as to whether a service is a utility service or not. That is a naked and arbitrary power upon the Government and therefore is obnoxious to article 14 of the Constitution.

I may also respectfully submit that it may be open to the Government to suggest that this is subject to sub-clause (2) of clause 2. It reads as follows:—

> "Every notification issued under sub-clause (vii) of clause (a) of sub-section (1) shall be laid before each House of Parliament as soon as may be after it is made, and shall cease to operate at the expiration of forty days from the reassembly of Parliament unless before the expiration of that period a resolution approving the notification is passed by both Houses of Parliament."

Possibly, shelter may be taken under this. But I would say that as soon

[Shri Easwara Iyer]

as the notification is passed it comes into operation as, from this clause, if it is laid before the Houses of Parliament, it will be violated and the vitality of the notification will be lost only after the expiration of 40 days. So, I would say that the notification should come into operation only after the Parliament has approved of it. Otherwise, the Government could declare any service to be an essential service and say that a strike in respect of that essential service is illegal and then proceed with penalties. Possibly, the House may disapprove of it later and the persons might have been arrested, though, later, the services may be found not to be essential service. The Parliament may disapprove by a resolution that the notification is not warranted. Those persons who have been arrested and imprisoned and confined will be let free, and who will answer for that? My respectful submission, therefore is, those blanket powers that have been conferred upon the Government to determine as to whether a particular service is an essential service or not should not be allowed. In that respect, I would say that this is against the fundamental rights.

My friend Pandit Thakur Das Bhargava would say that so far as the individual is concerned, there may be a fundamental right, and with respect to an association there is no fundamental right. Of course my friend would concede that there is a fundamental right, to . the individual, and the result of that is, I respectfully submit, explosive. Once you say that this is a fundamental right to strike so far as the individual is concerned, the collective right to be exercised by an association necessarily follows as a consequence. We cannot speak of a fundamental right with respect to a particular individual alone and an association or a group of persons being deprived of that fundamental right. Certainly it is obnoxious to the provisions of the Constitution or to any known system of jurisprudence in any country. That argument, coming as it does from my friend Pandit Thakur Das Bhargava, was not so clear to me. But unfortunately he was talking in a language which is unfamiliar to me, although I got the assistance from my friends here as to what he was speaking, and I understood that this was the purport of his argument.

My friend also argued that this is a harmless provision. I say that there is no use condemning yourself by saying that this is harmless provision. Any person who acts in furtherance of a general strike which is to be declared illegal is caught up by the provisions of this Act. If any service which has been declared to be an essential service by virtue of sub-clause (vii) is attracted by these provisions and if the strike in that service is naturally declared illegal by a notification as contemplated by this provision, 'any person' who has acted in furtherance of his object include even legal practitioners who might opine that this is against the fundamental right. I do not know whether it may include a child although under the Indian Penal Code a child under a particular age may not be punished for an offence. In this case, it becomes a statutory offence that has been declared as such. If a child under a particular age stands in favour of a strike, it is attracted by the provisions of this Act. It is a most obnoxious piece of law which I have never come across. My respectful submission is, quite apart from the amendments that have been moved to the provisions of the Bill, if this enactment finds a place in our statute-book, that will mean that it would be found by generations later on to be a statute that is a black one and it will disfigure our staute-book for ever.

Shri Hem Barua (Gauhati): Mr. Speaker, Sir, as I read this Bill, I find that the purpose of it is anti-democratic and that is why I have tabled an amendment. It seeks to change the title of the Bill. Of course, I shall come to it later on.

Now, coming to clause 2, the notification will have no validity under the law unless it is placed and approved by the Parliament. I was not interested in all the amendments because of the fact that I felt that this legislation itself is an anti-democratic piece of legislation and it will deprive a large number of individuals of their fundamental rights. The Constitution has guaranteed certain fundamental rights to the workers. But the purpose of this legislation will deprive them of those fundamental rights. In that case, we should not say that India is a protector of democracy. It is a non-protector of democracy.

At the same time, according to the Industrial Disputes Act, we have just conceded the right to strike, to the worker, a fundamental right, whether it is an individual worker or a collection of individuals also. At the same time, according to the Industrial Disputes Act, we have conceded the right to strike to the workers because strikes are the only legitimate weapon in the armoury of workers. If they make certain demands, they want to have those demands fulfilled. They make negotiations and then if necessary the matters go to arbitration.

Mr. Speaker: I am afraid the hon. Member is going just beyond what the House has accomplished thus far. The House has accepted the principle of the Bill. All those arguments about the fundamental rights have been made. We are on essential service,—whether it is right to have that or to omit it or, how it can be improved. That is the only point.

Shri Hem Barua: I am referring to this only because of the fact that this will not apply to a strike which is started after giving due notice to the office concerned. The right to strike is a fundamental right and the Industrial Disputes Act has also conceded this right to strike. That is why I want this to be amended, because this right is given to the workers and if they resort to strike after giving due notice, there should be no clause like this. That is what I want to point out.

There is another point also. They have catalogued certain essential services and at the same time, in sub-clause (vii), they say,

> "any service which the Central Government, being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service or would result in the infliction of grave hardship on the community may, by notification in the Official Gazette, declare to be an essential service for the purposes of this Act."

Generally this type of Bill is placed before the House in a very great emergency. During war time, essential services were defined like that. But now there is no emergency, but only a national crisis. In addition to cataloguing certain services as essential services, at the same time, they have maintained a clause here and they have given scope to the clause that whenever the Government find that a certain service is to be declared essential service for their purposes, they would do it. I oppose this declaration of certain services as essential services whenever the Government want to do it on their own sweet will. They say that would be rectified by sub-clause (2):

> "Every notification issued under sub-clause (vii) of clause (a) of sub-section (1) shall be laid before each House of Parliament as soon as may be after it is made, and shall cease to operate at the expiration of forty days from the re-assembly of Parliament unless before the expiration of that period a resolution approving the issue of the notification is passed by both Houses of Parliament."

They will declare on their sweet will certain services as essential services and then bring the law to operate on those services. The police force will be let loose, people will be fined and the right to strike, the legitimate weapon in armoury of the workers,

[Shri Hem Barua]

is not given. Therefore, I say that no service should be declared as essential service for the purpose of this Act without the notification first being placed before the Houses of Parliament for endorsement or rejection. These are my points. If we go beyond this, it would be anti-democratic and counter to the fundamental rights of the Constitution.

Shri Anthony Pillai (Madras North): I would like to draw the attention of the House to the definition of 'strike' given in clause 2(1)(b):

> "'strike' means the cessation of work by a body of persons employed in any essential service acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are or have been so employed to continue to work or to accept employment."

A lot of discussion has gone on earlier with regard to fundamental rights. I would like to draw the attention of the House to the fact that as the definition stands, it would be possible for the Government to arrest any person, or to seek to convict any person who have been in the employ of the P. & T.—he may be a pensioner —who when offered, refuses to accept employment; or any person who, makes an application and is now offered employment during the course of the strike, if he should refuse, it would become a penal offence. It was argued by the Law Minister that the right to strike is not a fundamental right. Irrespective of the fact whether it is a fundametal right or not, it is our contention that it is an inalienable right of the working class. Further I do not agree with the contention that it is not a fundamental right.

According to the Constitution, under article 19.

> "All citizens shall have the right—
>
> (g) to practise any profession, or to carry on any occupation, trade or business."

Sub-clause (6) says:

> "Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, ..."

In other words, reasonable restrictions may be imposed on the exercise of the right to practise any profession or to carry on any occupation, trade, etc. there can be no restriction imposed on refusal to practise any profession. But here, we have under this clause a strike so defined, that it results in compulsory service. If we are going to have compulsory service in this country, surely, we can no longer claim that we are a democratic society. This Government is allegedly seeking to establish a democratic society. Therefore, with regard to this clause, my submission is, if this clause, is allowed to stand, we are ruining one of fundamentals of democracy, namely, that a man has the right and freedom to sell his labour as and when he pleases. So long as we have this clause which says that a man can be compelled to accept employment, my humble submission is that it is a violation of a fundamental right, which will make society a slave society.

Shri S. M. Banerjee (Kanpur): I want to seek on amendments 471, 472, 473, 475, 477 and 479.

Mr. Speaker: He may give the substance.

Shri S. Ghose (Burdwan): I want to move my amendments to clause 2.

Mr. Speaker: I will note down his name.

श्री स० म० बनर्जी : अध्यक्ष महोदय, आज इस सदन में जितने भी भाषण हुए हैं उनको मैं ने बड़े ध्यान से सुना है। माननीय गृह मन्त्री जी के भाषणों को जो आज उन्होंने सुबह दिया था और आज शाम को दिया है, उस को भी मैं ने बड़े ध्यान से सुना है। अपोजिशन की तरफ से काफी कंसिलियेटरी मूड में बातें कही गई हैं और यह कहा गया है कि आखिरी मिनट तक आखिरी दिन तक समझौता हो सकता है। लेकिन मुझे अफसोस के साथ कहना पड़ता है कि इस पर गौर नहीं किया गया है। मुझे मालूम नहीं था कि आज इस सदन के सामने जो बिल है, उस बिल को रखने के बाद इस तरीके से प्रजातंत्र और जमहूरियत का जनाजा निकाला जायेगा प्रजातंत्र का गला घूंटा जायेगा। आज हम इस चीज की नंगी तस्वीर अपने सामने देखते हैं। आज जिस तरफ हमारी जनवादी सरकार की पालिसी को डायरेक्ट किया जा रहा है वह हम लोगों के सामने है। मैं भी पी० एन्ड टी० की दो आल इंडिया यूनियनों का सभापति हूं। हमें यह देखना चाहिये कि किस तरह से समझौता हो सकता है। मैं समझता हूं कि समझौता होना सम्भव है। यह कोई मुश्किल बात नहीं है। आज पोस्टस् एंड टैलिग्राफ के एम्पलायीज सिविल एविएशन के एम्पलायीज समझौता चाहते हैं और सैंट्रल गवर्नमेंट एम्पलायीज जिन्होंने कि हड़ताल करने के नोटिस दे रखे हैं समझौते के ख्वाहिशमन्द हैं।

आज आप यह कहते हैं कि कि जब पे कमीशन की नियुक्ति की जा रही है तो क्या वजह है कि हड़ताल की जा रही है। आपने कल्याणवाला कमेटी बिठाई साहनी कमेटी बिठाई और दूसरी हजारों रिपोर्टें हमारे सामने आती हैं। लेकिन एक खतरा रहता है कि तीन तीन साल तक आप इन पर लेटे रहते हैं। लेकिन आज सवाल इंटेरिम रीलीफ का है और सैंट्रल गवर्नमेंट के एम्पलायीज उसके लिये उतवाले हैं। अगर उस पर कोई समझौता हो जाये तो मामला बड़ी आसानी से सुलह सफाई से हल हो सकता है। आप ने देखा होगा कि पहले भी एक पे कमीशन बैठा था और उस की सिफारिशें हमारे सामने आई थीं उसकी एक सिफारिश को सरकार ने माना था और कहा था कि जब २० प्वाइंटस तक मंहगाई बढ़ जाएगी तो पांच रुपये बढ़ा दिये जायेंगे। यह एक मानी हुई सिफारिश है। लेकिन आज उस को कार्यान्वित करने की बात आती है तो हमारे सामने देश का नक्शा रखा जाता है हमारे सामने आर्थिक स्थिति की तस्वीर खींची जाती है आज कहा जाता है कि हमारे पास पूंजी नहीं है कहा जाता है कि दूसरी योजना को कार्यान्वित करने के लिये हमें पैसा की जरूरत है और दूसरी कई बातें कही जाती हैं। हमारे प्रधान मंत्री जो कि आज भी बहुत हृदयलभजीज हैं उन्होंने एक बार कहा था कि द्वितीय पंचवर्षीय योजना को सफल बनाने के लिये हमें लोगों की गुडविल की आवश्यकता है। लेकिन मैं आप को बतलाना चाहता हूं कि इन चार पांच लाख कर्मचारियों की क्या हालत है क्या हम इनको जिन्दा रखना नहीं चाहते हैं? क्या ये कम्युनिटि के इंटेग्रल पार्ट नहीं है? क्या इन की हिफाजत करना कम्युनिटी का फर्ज नहीं है? ये पांच लाख आदमियों का ही सवाल नहीं है बल्कि इन के बाल बच्चों इत्यादि को अगर हम मिलायें तो यह कोई बीस पच्चीस लाख लोगों का सवाल बन जाता है। क्या समाज को इन का जिन्दा रखना फर्ज नही है? क्या इन के समाज पर कोई अधिकार नही है? कोई राइटस नही है? मैं समझता हूं कि इनके भी कुछ अधिकार हैं जिन को पूरा करना समाज का फर्ज है।

आखिर हड़ताल की नौबत क्यों आई है। यह कहा जाता है कि यहां पर हमारे देश में कुछ लोग है जोकि हड़तालें वगैरह कराना अपना फर्ज समझते हैं। आज कम्यूनिस्ट पार्टी पर तथा दूसरे विरोधी

[श्री स० म० बनर्जी]

दलों पर मोटिव्स इमप्यूट किए जाते हैं। आज कहा जाता है कि वर्ल्ड फलफैडेशन आफ ट्रेड यनियन्स के सर्क्युलर आते हैं और गड़बड़ी करने के लिये लोगों को उकसाने की बात उन में कही जाती है। इन सर्क्यूलर्स के आधार पर हम पर ये इल्जाम लगाये जाते है कि हम गड़बड़ी पैदा करने की कोशिश कर रहे हैं। हमें आज देश-द्रोही बतलाया जाता है और कम्यूनिस्टों के बारे में कहा जाता है कि ये गद्दार हैं एंटीनैशनल है। मै आप को बतलाना चाहता हूं कि आजादी के बाद सब से बड़ा जो नैशनल स्ट्रगल हुआ है वह गोआ का हुआ है। गोआ की स्ट्रगल मे किन लोगों ने सब से लीडिंग पार्ट प्ले किया है वह मैं आप से पूछना चाहता हूं। मै आप से पूछना चाहता हूं कि क्या यह सत्य नहीं है कि वह नौजवान जिस की उम्र केवल २२ साल थी और लड रहा था क्या वह लाल झंडा हाथ में लिए हुए था या तिरंगा झंडा? वह अपने हाथ में तिरंगा झंडा ले कर लड़ रहा था।

श्री उपमंत्री (श्री आबिद अली): आजादी के पहले क्या हुआ था?

श्री स० म० बनर्जी: वक्त नहीं है लेकिन मै उस में भी जा सकता था। आज हमारे लेबर के मंत्री यहा पर बैठे हुए हैं मुझे पता नहीं लगता है कि क्यों वह अपनी जबान नही खोलते है और क्यों वे नहीं बतलाते हैं कि किस तरह से लेबर प्राब्लैम्स को हल किया जाना चाहिये आज चार पाच लाख लोगों की जिन्दगी और मौत का सवाल है।

Shri Heda (Nizamabad): On a point of order. Is this speech on clause 2? This seems to be a general speech.

Shri S. M. Banerjee: This is on clauses 4, 5 and 6.

Shri Heda: I have been patiently hearing. This is a thorough general speech.

Mr. Speaker: I thought this was preamble to clause 2. Now we can come to clause 2.

श्री स० म० बनर्जी: मैं लेबर मिनिस्टर से, गृह-मंत्री से, प्रधान मंत्री से से कहूगा कि अभी भी समझोते के दरवाजे खुले हुए है। अगर आप चाहें तो समझौता हो सकता है। लेकिन आज अगर आप एक हाथ में इस बिल को रखें और दूसरी तरफ समझौता करना चाहे तों ऐसा नहीं हो सकता है। आज आप मजदूरों को उनके राइट से वंचित कर सकते है। आज अगर मजदूर हड़ताल करते है, तो आप उस-हड़ताल को कुचल सकते है। लेकिन एक बात, जो मैं कहना तो नहीं चाहता था लेकिन आज कहे बगैर नही रह सकता हूं, कहता हू कि मै इस सदन मे बडी बडी आशायें बाध कर आया था। मै यह सोच कर आया था कि यहां पर इस देश मैं जातन्त्र की हिफाजत होती है, जमहूरियत की हिफाजत होती है लेकिन आज मैं अपनी आंखों के सामने उसका गला घुटते देख रहा हू ...

Mr. Speaker: Order, order. The hon. Member will have many opportunities to speak on the Finance Bill and other Bills. Now the consideration stage of the Bill is over. If the hon. Member has got anything to contribute on clause 2, he can confine his remarks to that. Of course, all the other matters he has placed before the House are very interesting, but he will have another opportunity. I think he can conclude now.

श्री स० म० बनर्जी: स्ट्राइक की डेफिनिशन पर मैं यह कहना चाहता हूं। इस विधेयक के क्लाज २ (बी) में जो "स्ट्राइक"

शब्द की परिभाषा दी गई है और जिसमें यह कहा गया है कि "strike" means the cessation of work by a body of persons employed in any essential service इसके आगे जो दो लाइनें हैं मैं उनका ओमिशन चाहता हूं ।

एसेंशियल सर्विसेज के नाम पर हर एक इंडस्ट्री में जहां कि सेंट्रल गवर्नमेंट के मुलाजिम काम करते है, इस तरह के कानून को यदि लागू किया गया तो वह हमारे देश के लिये हानिकर सिद्ध होगा । सेंट्रल गवर्नमेंट एम्पलाईज के बूते पर यह सरकार चल रही है, यह आप को मानना चाहिये और इसे हम और आप दोनों ही मानेंगे और अगर स्ट्राइक की डेफनीशन को हम इतना ज्यादा बढ़ा लेते हैं जैसा कि हमने क्लाज २ (बी) में बढ़ाया हुआ है, तो उसका बडा कुप्रभाव हमारे एम्पलाईज के ऊपर पड़ेगा और इसी लिये में चाहता हू कि क्लाज २ (बी) में जो स्ट्राइक की परिभाषा की गई है वह "एसेंशियल सर्विसिज " इन्हीं शब्दों तक रहनी चाहिये और आगे के शब्द उस में से डीलीट हो जाने चाहिए ।

Mr. Speaker: Does the hon. Member want the whole of clause 2 to be omitted?

Shri S. M. Banerjee: I am coming to that. The definition of strike given in clause 2 reads as follows:

> "'strike' means the cessation of work by a body of persons employed in any essential service acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are or have been so employed to continue to work or to accept employment.".

I want that the words beginning from 'acting' and ending with 'employment' be omitted. That is my submission.

Shri V. P. Nayar: I think that this clause is one of the most obnoxious clauses in the Bill. Perhaps the word 'obnoxious' is not proper; one has to find stronger words. I cannot understand how such a clause can be brought in a legislation, and Government can take blanket powers to control the organisations.

This clause should not be read by itself. It has to be read along with clause 3, because this clause gives certain definitions of what is meant by 'essential services', and the acts in respect of the essential services, which are prohibited, come later on in the provisions.

As you have rightly observed, the question of Fundamental Rights has been discussed yesterday, but I want to raise this question whether this clause which creates certain groups and certain orders will be in conformity with the spirit and letter of the Constitution itself. When I say 'the spirit of the Constitution', I am reminded of what was said by Sardar Vallabhbhai Patel in his capacity as chairman of the Fundamental Rights Sub-committee. I find Sardar Vallabhbhai Patel writing:

> "We attach great importance to the Constitution making these rights justiciable. The right of the citizen to be protected in certain matters is a special feature of the American Constitution..."—

My hon. friend the Law Minister pointed that out yesterday—

> "...and the more recent democratic Constitutions.".

Later on, the report says:

> "We are of the opinion that Fundamental Rights of the citizens of the Union would have no value, if they differ from group to group or from unit to unit or are not uniformly enforceable,".

I want to ask whether the Fundamental Rights—I do not want to discuss what the Fundamental Rights are—which are curtailed by declaring

[Shri V P. Nayar]

certain services as essential, and then Government taking the power to prohibit strikes in so far as these services are concerned will enable the organisations to make these rights justiciable. As I submitted it is against the letter of the Constitution also, not to speak of its being against the spirit of the Constitution.

Here is the Statement of Objects and Reasons. I wonder whether we can pass any legislation and have a provision like this in clause 2, apart from what is provided for in the Constitution for limiting Fundamental Rights.

Mr. Speaker: Is the hon Member referring to item (vii)?

Shri V. P. Nayar: I am referring to item (vii) and to article 19 (2) of the Constitution.

Mr. Speaker: Has that not been referred to already?

Shri V. P. Nayar: No. The point which I want to raise has not been raised. I have been following the debate very closely. Article 19(2) reads:

> 'Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence"

My point is that as regards the curtailment of fundamental rights, the legislative competence of this House is strictly limited to these specified items I went through the Statement of Objects and Reasons and I could not find any of these there

Mr. Speaker: Where is the fundamental right to strike?

Shri V. P. Nayar: Not strike. I am saying that this should be read along with clause 3 where strikes can be prohibited It cannot be prohibited in all organisations; it can be prohibited only in certain organisations which are declared as coming within essential services, so that this clause has relevance to the later clause.

Therefore, it becomes relevant for us to consider whether the restrictions imposed on fundamental rights later on, when strikes are prohibited in one organisation or one service, do not also cover other fundamental rights; the right to form an association, freedom of speech and expression, all these will naturally and necessarily be curtailed.

Mr. Speaker: Prevention of strikes is not prevention of association.

Shri V. P. Nayar: Strike by itself and all acts leading to the strike. If a particular strike has been declared unlawful and if it is considered to be illegal, nothing can be said about it; freedom of speech and expression will not be there.

Therefore, my point is that the curtailment of fundamental rights cannot be of anything except the items very specifically stated in this particular article I was going through the Statement of Objects and Reasons; I found some items there. But so far as curtailment of fundamental rights is concerned, they must relate either to the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court etc But here that is not so. Even in the Long Title of the Bill, you do not say whether the rights are being curtailed in the interest of security. The Long Title says: 'A Bill to provide for the maintenance of certain essential services and the normal life of the community'. Where is the provision in regard to security of

State here? Security of State is a different matter If you restrict the rights under particular article of the Constitution, you have to very strictly construe what is given in that article Curtailment of fundamental rights which will necessarily come out of this legislation does not fall within the scope of any one of the items specified in that article

Therefore, my submission is that this is a matter of grave concern to us, because we are Members of Parliament representing a free people It is our business and our duty to find out the loopholes Whenever the rights of the people are infringed, it is our duty to get proper remedies Therefore, we are very anxious to see that curtailment of rights in respect of matters not specifically provided for in that article,—which of course envisages certain curtailments —cannot be allowed to be passed by this House, and it is certainly beyond the legislative competence of this House

It is very unfortunate that the Home Minister should have chosen to have this clause He regrets very much

Mr. Speaker: That is the very soul of the Bill If clause 2 is omitted, I am afraid there is nothing else in the Bill

Shri V. P. Nayar: I am only pointing out that the very soul of the Bill is smelling very bad, it is foul

Mr. Speaker: Unfortunately, the House has accepted it

Shri Sadhan Gupta: We can still rectify it

Shri V. P. Nayar: Therefore, we have some amendments, if they are accepted, at least the soul will be less foul smelling

It is the sweetest pleasure of the hon Home Minister to express his regret and then pass on to some obnoxious measure We have had it from him so many times I want him to consider whether in this measure the letter and spirit of the Constitution have been kept in mind. If not, it is time for us to consider whether this should not be amended accordingly If we are able to convince either the Home Minister or the Government or the House that a particular measure is not in keeping with or is *ultra vires* of the Constitution, then, there is nothing which prevents us from dropping this Bill, although we are committed to the acceptance of the principle

Take, for example, clause 7 The Government have . . .

Mr. Speaker: I am afraid the hon Member is going beyond the scope of the amendment to clause 2

Shri V. P. Nayar: I am sorry, I mean sub-clause (vii) of clause 2, It is claimed to be a residuary power We have defined in the sub-clauses above that, what services will constitute essential services Government do not themselves know—apart from all those which have been specified above—what else has got to be brought in

Of course, an explanation was given this morning I wounder whether in order to prevent strikes and prevent the working classes from agitating for their legitimate demands, such a blanket power should be given to Government I have never seen such power given to any Executive in any Act I am not as experienced as the hon Home Minister, but this is a most obnoxious provision I plead—and I know I am doing it in vain and the Home Minister is smiling at me in a very kind way—and I request him to consider whether this at least should not be taken away

Shri Sadhan Gupta: Sir, while discussing this clause, as a lawyer, there is always a great temptation to make a disquisition on fundamental rights

Mr. Speaker. That has been done. Now, hon Members may give a resume of what exactly they want by way of amendment to this clause And, if they want to oppose this clause, let

[Shri Sadhan Gupta]

them say so, so that the House may follow what exactly they are saying.

Shri Sadhan Gupta: I endorse the views expressed by previous speakers that this clause, particularly the definitions in the clause, is contrary to the fundamental rights. These together would adversely affect the fundamental rights. But, I do not want to go into that in detail because, although there is so much tempation, there is so much revolting in the whole measure that we must consider this clause in the light of that.

This is a definition clause and has a bearing on the other clauses which follow. The net cast in this clause is too wide and we rope in millions of our countrymen within the mischief of this Act. If the net is restricted, however little it can be restricted, then, we succeed in getting out if its mischief some sections of the people of our country.

There are two definitions both of which have raised controversy. For example, the definition of essential services. Under this sub-clause (vii) there is not a thing that cannot be included within essential services if the Government chooses to express the opinion that any particular thing is essential service and that its withholding from work would inflict hardship on the community.

19 hrs.

I have given notice of 40 amendments to this clause and the reason for these amendments—the main object of these amendments—is to try to save as much as possible out of the clutches of this oppressive law. First of all, in this definition of essential service, the most objectionable sub-clause is the last one. There is nothing on earth, nothing under the sun that cannot be included within the last sub-clause. When the points of orders were raised, I think it was you, Sir, who said what other industries could be covered. There are a lot of other industries which could be covered by this sub-clause. In fact, the question is not what other industries could be covered but what industries could not be covered. That is the question which arises.

We are proceeding to enact a most extra-ordinary law. We are concerned with the right to strike. Whether it is fundamental or not, I am not concerned at the moment. If it is a fundamental right under the Constitution, it is bad enough but if it is not a fundamental right, it is only a defect of our Constitution because there is no doubt that in all parts of the civilised world the right to strike is in fact a fundamental right.

Mr. Speaker: The hon. Member may continue tomorrow.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 6th August, 1957.

DAILY DIGEST

[*Monday, 5th August, 1957*]

		Columns
ORAL ANSWERS TO QUESTIONS		6931—69
S.Q. No.	Subject	
607	Indian Doctors for Malaya	6931—34
608	Manufacture of Radio Parts	6934—36
609	Shops and Establishments Act	6936—38
610	Anti Indian Propaganda by Pakistan	6938—39
611	Export Indian Films to Russia	6939—41
612	Optical Glass Plant	6941—43
613	States' Plans	6943—45
614	Small Scale Industries	6945—47
615	Central Silk Board	6947
616	Central Allocation for Kerala	6948—52
619	Occupational Research and Analysis	6952—54
620	Film Documentaries	6954—56
622	Dyeing and Printing of Khadi	6956—59
623	Export of Monkies	6959—62
624	Dock Workers	6962—63
625	Ambar Charkha Production	6963—65
626	Reclamation of Land	6965—67
628	Heavy Electrical Goods	6967
629	Fertilizers	6967—69
		6969—74
S.N.Q.No. 2	Location of Oil Refinery	6969—74
WRITTEN ANSWERS TO QUESTIONS		6974—7002
S.Q.No		696—74
617	Gulf of Aquaba	6974
618	Import Restrictions	6974—75
621	Sindri Fertilizers and Chemicals (Private) Limited	6975
627	Industrial Estates in Rajasthan	6975
630	Indians in Burma	6975—76
631	Second Five Year Plan (Rajasthan)	6976
632	Manufacture of cars	6977
633	Sandal-Wood oil	6977
634	Small Scale Production Centres	6978
635	Small Industries Service Institute	6978—79
635A	Indians in Malaya	6979—80
636	Hire Purchase of Sewing Machines	6980
637	Import of Milk-Powder from the U.S.A.	6980—81
638	Reeing Machine	6981
639	Khadi Gramodyog Bhawan, New Delhi	6981—82
640	Employment Market Information	6982—83
641	Symposium on Brick and Tile Manufacture	6983
642	Illegal Entry by Pakistanies	6983—84
643	Salt Cess and Salt Proceeds	6984
644	Third Five Year Plan	6985
645	Sericulture	6985—86
646	Fallow and Waste Land in West Bengal	6986
647	Phosphatic Fertilizers	6986—87
648	Turmeric Exports	6987
649	Khadi Stock	6987
U.S.Q. No.		
468	Capital Formation	6987—88
469	Visits of Foreign Digiinitaries	6988
470	Purchases Abroad	6989
471	Subsidy to Spinning Mills	6989—90
472	Low Income Group Housing Scheme	6990—92
474	Indo-Pakistan Agreement on Movable Property	6991
475	Displaced Persons from East Pakistan	6991—92
476	Employment Exchanges	6992—94
477	Black Pepper and Chillies	6993—94
478	All India Handicrafts Board	6994—96
479	Labour Disputes in Textile Mills	6995
481	Automobiles	6996
482	Cotton Yarn	6997
483	Oil Cake Exports	6997—98
484	Cotton Millin U.P.	6998—99
485	Low Income Group Housing Scheme	6999

WRITTEN ANSWERS TO QUESTIONS—contd.

U.S.Q. COLUMNS

486 Salt Production . . 6999—700
487 Indians Kidnapped by Portuguese Police . 7000—01
488 Unemployment Among Graduates . . 7001
489 Dudkundi Displaced Persons Camp . . 7001
491 Dudpur Colony of Tripura . . . 7001—02
492 Industrial Training Centres, Mysore . 7002

PAPERS LAID ON THE TABLE . . 7002—05

The following papers were laid on the Table:—

(1) A copy of the Notification No.S.R.O. 2435, dated the 27th July 1957 making certain amendments to the Coal Bearing Areas (Acquisition and Development) Rules, 1957.

(2) A copy of the Notification No. S.R.O. 2374/R. Amdt. XVI, dated the 20th July, 1957 making certain further amendment to the Displaced Persons (Compensation and Rehabilitation) Rules, 1955.

(3) A copy of the statement correcting the reply given to Unstarred Question No. 462 on the 29th May, 1957.

(4) A copy of each of the following papers under sub-section (2) of Section 16 of the Tariff Commission Act, 1951.

(i) Report (1957) of the Tariff Commission on the continuance of protection to the Piston Assembly (Pistons, Piston rings and Gudgeon Pins) Industry.

(ii) Government Resolution No. 79 (1) TP/57, dated the 24th July, 1957 .

(iii) Report (1957) of the Tariff Commission on the continuance of protection to the Sago Industry .

(iv) Government Resolution No. 12 (1) TP/57, dated the 30th July, 1957.

(v) Report (1957) of the Tariff Commission on the continuance of protection to the Grinding Wheel Industry.

(vi) Government Resolution No. 16(1) TP/57, dated the 30th July, 1957.

(5) A copy of the Notification No. S.R.O. 2156, dated the 29th June, 1957, making certain further amendment to the Coal Mines Pithead Bath Rules, 1946.

(6) A copy of the "Parliamentary Committees—A Summary of Work" pertaining to the First Session of Second Lok Sabha.

REPORT OF BUSINESS ADVISORY COMMITTEE—ADOPTED .

Fifth Report was adopted .

BILL UNDER CONSIDERATION . . . 7006—

The Minister of Home Affairs (Pandit G.B. Pant) moved for the consideration of the Essential Services Maintenance Bill. On the amendment moved by Shri V.P. Nayar for circulation of the Bill for the purpose of eliciting public opinion, the Lok Sabha divided; Ayes 55, Noes. 212. The amendment was accordingly negatived. The amendments moved, by Sarvashri Assar and Frank Anthony for reference of the Bill to a Select Committee were also negatived. On the motion for consideration the Lok Sabha divided Ayes, 224, Noes 54. The motion was accordingly adopted and the clause-by-clause consideration was commenced. The clause-by-clause consideration was not concluded .

AGENDA FOR TUESDAY, 6TH AUGUST, 1957—

Further clause-by-clause consideration and passing of the Essential Services Maintenance Bill. Further discussion on the Demands for Grants in respect of the Ministry of Transport and Communications .